



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>











HARVARD  
COLLEGE  
LIBRARY

**Preservation facsimile  
printed on alkaline/buffered paper  
and bound by  
Acme Bookbinding  
Charlestown, Massachusetts  
2003**





*The gift of*

ANDOVER - HARVARD

 HARVARD COLLEGE LIBRARY 

**PROCEEDINGS**  
**OF THE**  
**COMMISSION**

**APPOINTED TO INQUIRE INTO**  
**THE PAST AND PRESENT STATE OF THE KAFIR**  
**IN THE DISTRICT OF NATAL, AND**

**TO REPORT UPON**

**THEIR FUTURE GOVERNMENT, AND TO SUGGEST SUCH**  
**ARRANGEMENTS AS WILL TEND TO SECURE THE PEACE**  
**AND WELFARE OF THE DISTRICT,**

**FOR THE INFORMATION OF**

**HIS HONOR THE LIEUTENANT GOVERNOR**

---

**PART I.**

---

**NATAL:**

**PRINTED AND PUBLISHED BY J. ARCHBELL AND SON, AT THE**  
**OFFICE OF THE "NATAL INDEPENDENT," AND "NATAL**  
**GOVERNMENT GAZETTE," PIETERMARITZBURG.**

**1852.**

*[Price One Shilling and Sixpence.]*

Afr 9047.1

# NATIVE COMMISSION.

---

## *FIRST MEETING.*

MONDAY, 1ST NOVEMBER. 1852.

### PRESENT.

The Hon. W. Harding, Esq., *President.*

The Hon. John Bird, Esq.

Theophilus Shepstone, Esq.

Captain Struben.

P. A. R. Otto, Esq.

Frodk. Scheepers, Esq.

Evert Potgieter, Esq.

Solomon Maritz, Esq.

O. Labuscagne, Esq.

A. Spies, Esq.

John Moreland, Esq.

Joseph Henderson, Esq.

W. Macfarlane, Esq.

Dr. Addison,

Chas. Barter, Esq.

The President explained the causes and reasons for the formation of the Commission; referred to the Instructions to Members by His Honor Lieutenant Governor Pine, which, he informed the

Meeting, would be laid on the table, translated into Dutch, to-morrow morning;—explained the matters for the consideration of the Commission as most important, upon the proper adjustment of which much would depend.

Read instructions which have been received from the Secretary of State, viz., “Blue Book, page 211, 28 sec.,” being Royal Instructions constituting Legislative Council, in which Her Majesty declares

“AND WHEREAS the said District of Natal is inhabited by numerous Tribes, Natives of the said District, or of the Countries thereunto adjacent, whose ignorance and habits unfit them for the duties of civilized life, and it is necessary to place them under special controul, until, having been duly capacitated to understand such duties, they may reasonably be required to render ready obedience to the Laws in force in the said District. We do hereby declare it to be Our Will and Pleasure that you make known by Proclamation to our loving Subjects, and all other persons residing in the said District, that in assuming the Sovereignty thereof, We have not interfered with or abrogated, any Law, Custom, or Usage, prevailing among the Inhabitants previously to the assertion of Sovereignty over the said District, except so far as the same may be repugnant to the general principles of humanity recognized throughout the Civilized World, and that We have not interfered with, or abrogated the power which the Laws, Customs, and Usages of the Inhabitants vested in the said Chiefs, or in any other persons in authority among them, but that in all transactions between themselves, and in all Crimes committed by any of them, against the Persons or Property of any of them, the said Natives are, (subject to the Conditions already stated,) to administer justice towards each other, as they had been used to do in former times.—Provided, nevertheless, and We do hereby reserve to Ourselves full power and authority as We from time to time shall see occasion, to amend the Laws of the said Natives, and to provide for the better administration of Justice among them, as may be found practicable.”

On the 21st June, 1849 Mr. West proclaimed to the natives this 28th section, re-published by Ordinance No. 3. 1849,—

“NOW THEREFORE, I, the Lieutenant Governor, administering the Government of the District of Natal, do hereby so Proclaim Her Majesty’s Royal Will and Pleasure accordingly.”

by which natives are already made aware of these privileges.

The Lientenant Governor had therefore selected this Commission for the purpose of enquiring into these matters as stated in the Letter of Instructions

The President referred to 5th section thereof, and submitted that the best mode of carrying these out is by examination of persons, who can, from knowledge of the country and of the natives, give evidence.

This evidence should be taken down in writing, and when the Commission have examined all and every such persons, they shall then proceed to discuss what Report shall be given, but no rules shall be laid down which tend in any way to fetter the Commission.

The first question should be whether the public should be admitted during the investigations or not. The President himself would throw open the doors.

Captain Struben proposed interpretation of the above for the information of the Dutch members.

Mr. Bird interpreted from Mr. Moreland’s notes.



The President next put to the Meeting whether the proceedings should be published.

Mr. Moreland—Whether published officially or by newspaper report?

The President put the question.

Mr. McFarlane thought weekly, officially in Dutch and in English.

Captain Struben referred to the 10th section of the instructions on this head.

Mr. Henderson observed that the Commission could not prevent the public from publishing.

Mr. Moreland held official reports by the Secretary to be best. The public might then suggest, and parties come forward who could give valuable evidence. Whether should the publication be weekly or otherwise?

Mr. Bird interpreted the above.

Mr. Moreland's proposition put.

Ayes.	Noes.
Mr. Otto	Mr. Henderson
„ McFarlane	„ Bird
„ Scheepers	Captain Struben
„ Potgieter	Dr. Addison
„ Maritz	Mr. Shepstone
„ Labuscagne	
„ Spies	

Carried by a majority of 2. To be published under hand of Secretary in “Government Gazette.” Mr. President asked if all agreed to his observations.

Mr. Bird interpreted

Unanimously agreed.

Mr. McFarlane desired to know whether evidence would be taken or not. Proposed that all witnesses be examined on oath.

Mr. Bird interpreted.

Mr. Henderson remarked that persons not being Christians may be examined.

Captain Struben suggested that as the question was most important every evidence should stand, and be properly authenticated. Persons who are examined are known to the President and Commission, but may not be known abroad.

Mr. Bird was of opinion that oaths would restrict people from speaking their opinions.

Mr. McFarlane thought such people should be excluded. Referred to such cases in England.

Mr. President explained that the Commission had no power to force people to give evidence, as no such power exists.

Mr. Moreland remarked that the Government here propose a measure which may be decided upon at home, supported by evidence which should therefore be authentic.

Mr. President and Mr. Bird observed that such oaths are never administered in Cape Town or the other colonies.

Mr. President explained fully on this point.  
Mr. McFarlane's proposition put.

Ayes.	Noes.
Mr. Scheepers	Mr. Bird
„ Maritz	Captain Struben
	Mr. Otto
„ Labuscagne	Dr. Addison
„ Spies	Mr. Potgieter
	„ Moreland
	„ Henderson
	„ Shepstone
	„ President

Rejected by a majority of five.

Captain Struben proposed adjournment on account of instructions not having been laid before the members in Dutch, till 9 o'clock to-morrow morning (Tuesday).

Mr. President submitted, before adjournment, the names of persons to be examined, stating that the instructions were under translation, and would be ready tomorrow morning.

Mr. Bird interpreted.

Mr. President's list of persons to be examined :—

Mr. C. Labuscagne
„ S. Maritz
„ F. Scheepers
„ W. McFarlane
„ H. F. Fynn
„ P. A. R. Otto
„ A. Spies
„ J. Archbell
Captain Struben
Mr. Shepstone
Dr. Blaine
Mr. Otto proposed
Mr. C. Preller
Rev. H. Döhne
Mr. P. Ferreira
Mr. Scheeper proposed
Mr. Theunis Nel
„ Jan Boshof
„ C. Lötter
Mr. Bird proposed
Mr. George Cato
Mr. Moreland proposed
The Rev. H. Pearce
Mr. M. Howell
Mr. Henderson proposed
The Rev. Mr. Lindley
The Rev. Mr. Allison.
Hon. H. Cloete.
Mr. Cleghorn

„ Peppercorn  
 „ Mesham  
 „ R. King  
 „ D. Toohey  
 „ H. Ogle  
 Mr. Potgieter proposed  
     Mr. Repsold  
 Mr. Spies proposed  
     Field Cornet Hatting  
 Mr. Labuscagne proposed  
     Mr. Hoffman  
     „ Jan Plessis  
 Captain Struben proposed  
     Mr. J. N. Boshof  
     „ Stephanus Maritz  
 Mr. President explained, in Dutch, that others could be added if hereafter proposed ; also, proposed to proceed with business to-morrow morning at 9, and commencing with the examination of Capt. Struben.  
 Mr. President adjourned the meeting until to-morrow morning at 9 o'clock.

(Signed)

EDMD. TATHAM, Secretary.

## SECOND MEETING.

TUESDAY, 2nd November, 1852.

Present—

The Hon. W. Harding, Esq. President,  
 The Hon. John Bird, Esq.  
 Theo. Shepstone, Esq.  
 Captain Struben  
 P. A. B. Otto, Esq.  
 F. Scheepers, Esq.  
 S. Maritz, Esq.  
 E. Potgieter, Esq.  
 A. Spies, Esq.  
 C. Labuscagne, Esq.  
 W. McFarlane, Esq.  
 Jos. Henderson, Esq.  
 John Moreland, Esq.  
 Charles Barter, Esq.  
 Dr. Addison

The minutes of the first meeting were read and confirmed.

The President laid upon the table Dutch copies of Instructions.

Mr. Zeitsman, as interpreter, read the Dutch copies.

The Chairmain proposed that Mr. E. F. Potgieter shall be added to the list of witnesses to be examined.

The examination of Captain Struben commenced, upon which the Commission was engaged until half-past four o'clock, when the President adjourned the meeting until Wednesday at 9 o'clock.

(Signed)

EDMD. TATHAM, Secretary.

*Johan Herman Marinus Struben*, called in and examined :—

*By the President (Mr. Harding.)* I am Reedt. Magistrate of Klip River Division, and have been for 26 months. I have been in the District 3 years next April. When I took office at the Klip River I found that the Native Question was one of considerable importance, and therefore did all in my power to obtain information. I am of opinion that the native population in the Klip River Division would be between 20,000 and 25,000 souls. I do not think that there were many less when first I took office. From all the information I have been able to collect, I am of opinion that the only aboriginal tribe within that division, is that of Usidinane. I believe that Zikali also has aboriginal claims, but that his present tribe is made up chiefly of refugees. The tribe of Job, now Matyana, was, also, I believe, in possession of the country now occupied by it, when the Dutch first came to the country, and he was allowed by them to keep possession of it, upon payment of 500 head of cattle. At this time however, the tribe consisted of between 20 and 30 kraals, and since then the tribe has been considerably augmented by refugees from the Zulu country, and whilst it acknowledges the sovereignty of the British government, still it does not consider itself a tribe separate from the Zulu nation.

Usidinane's tribe consists at present of 40 huts, and between 80 and 100 souls.

Zikali's tribe will be as near as I can estimate, about 1,500 souls. Matyana's tribe will now consist of between 3,000 and 4,000 people.

The other tribes belong to Nodade, Dabankulu, Putini, Langabulela, late Kingazi, (now Tenyan,) and a number of petty chiefs, which I am unable to enumerate.

Dabankulu has about 2,500 people.

Putini has between 2,000 and 3,000 people.

Langabulela between 3,000 and 4,000 people.

Tenyan between 1,000 and 1,200 people.

Nodada about 4,000 people.

Dabankulu and Nodada, came into the country at the same time, about the year 1841, having fled from the Zulu country. The Boers at this time located about Weenen, resisted the further pursuit of these people by the Zulus, upon which they asked for, and obtained the protection of the Boers. They were unprovided with the means of subsistence, which were afforded them by the Boers, and they then became settlers in the country, assisting the Boers as laborers. When the English government came to this country, they acknowledged Dabankulu and Nodada as chiefs of a certain tribe. I come to this conclusion in consequence of being informed by the Diplo-

matic Agent, when appointed to the Klip River Division, that these men, Dabankulu and Nodada, were chiefs. I cannot say when Putini came to the country, but I know he came from the Zulu country, after Dabankulu and Nodada. He also came flying from the Zulus.

Langabulela came in 1846 or 1847, also from the Zulu country, flying from the Zulus.

Tenyan is a branch of Matyana's tribe.

There is also another tribe under Radarada. He has from 600 to 800 people. He was also a refugee from the Zulu country, and came a little before Putini.

Matyana and Usidinane, now occupy the same country they did when they were found here by the Boers.

Zikali has had a different country assigned to him as a location. I cannot say when he was removed. I cannot say whether he was moved by the English government, or before it came.

I think there are 2,000 natives, separate from those already mentioned by me, under petty chiefs and squatters.

Nododa and his tribe have never been located, but are squatting on government and private ground, from the Bigger's Berg, till below Weenen.

Dabankulu is in the same situation.

Putini lives in a location assigned to him by the English government, under the Drakensberg, but many of his tribe are squatting upon private ground.

Langabulela lives on a location assigned to him by the British government, under the Drakensberg; but I consider his location too small. The location is sufficient in an extent, but the available land is not sufficient, owing to its being in an exposed position, in consequence of which the greater portion of his tribe is squatting upon government and private property.

Tenyan occupies the ground originally in the possession of Job, now Matyana, who consented to his occupying that position.

Radarada occupies a location assigned to him by government, north-west of Putini.

There is no general location in Klip River Division.

The number of locations assigned to Natives by the government, in Klip River division, are as follows :—

Matyana,  
Tenyan,  
Izikali,  
Radarada,  
Putini,  
Langabulela.

Nodado and Dabankulu have a location assigned, but have never occupied.

The Umzimyati location is within the Klip River Division, but I have never been able to ascertain whether it has been defined, nor indeed, have any of the locations, so far as I am aware, been defined, so much so, that the chief Radarada, on a recent occasion,

complained to me that he had been ordered to quit land which had been pointed out to him on the part of the government, as a location for himself.

The persons alluded to by me, as being under petty chiefs, have no fixed place of residence; some live upon private property, with the consent of the owners, but others move about from one place to another.

I think the white inhabitants of the Klip River Division would amount to 800 souls.

Not including the natives living on private property, with the consent of the owners, I consider that there are about 350 in actual service.

I think there are living upon private property, with the consent of the owners, about 2,500 souls. Generally these people obtain the consent of the owner, by promising their service, but it is as generally evaded.

According to the country pointed out to me by the natives themselves, as the boundaries of their locations, I am of opinion that they are far too great in extent, and ill-chosen as to situation, with the exception of Langabulela, which I have already explained. I consider them ill-chosen, because they surround the country occupied by the white inhabitants, by which, in case of any disturbance, the white population would find themselves completely hemmed in. Again, the country assigned to them is so broken, that it would be impossible, even with a sufficient force, to pursue, or get at these natives in the fastnesses to which they would resort, and which would enable them to set at defiance, almost any force which might be sent against them. This has been shewn by my own experience, inasmuch as that any Kafir accused of any crime, cannot be apprehended, but almost invariably escapes.

I am of opinion that the Umzimyati Location, now occupied by Matyana and Tenyan, is sufficient in size and advantages to contain comfortably the whole of the native inhabitants of the Klip River Division.

I would not continue the present Location system, because a savage tribe flying from a most tyrannical government, has been placed under a most mild law—if any law at all—which can eventually not lead otherwise than to destruction; and has been granted so great an advantage over the white population, that instead of having become advantageous to the white man in tilling the land, they have become a detriment to their industry.

I am of opinion that if the present system of locations is not discontinued, it will lead to the destruction of the natives themselves; inasmuch as it will cause a war with the white man, which will be followed up by the interference of the British Government, which will lead to the eventual destruction and extermination of the black race.

I would substitute for the present Location system either, first, to put those natives who are not aboriginal in an unoccupied tract of country, entirely separated from the white man, but still kept

under the rule of British Government. Or, secondly, that they should be located in open country, under certain conditions, namely—that the chief shall become the sword of the native Magistrate over them—that a regular census from every chief shall be taken—that every chief shall become responsible, as far as possible, for the good behaviour of his tribe—that no addition or diminution of his tribe shall be allowed, unless by the previous sanction of the Resident Magistrate—that also a yearly census of their cattle shall be taken—that he shall hold this land on the condition only that he cultivates his land in a similar manner as the white man, and thereby becomes in time in a state of civilization—that when leaving these locations and presenting himself before a white man he shall be properly and decently clad, either in a blanket or otherwise, as his means will allow him—also, that a list of the unmarried people of each location shall be in the hands of the Resident Magistrate—that the Resident Magistrate shall have the power to call on the chiefs for these unmarried men, to send them out to service, either as apprentices or otherwise, under the guarantee that they shall be, while in such service, properly treated, fed, and paid—that, at the same time, the Chiefs and their tribe shall be guaranteed by the government the location then assigned, as a perpetual habitation, so long as they behave themselves properly, and submit themselves to the laws of the country.

If properly carried out I prefer the second plan, which is, in fact, a continuation of the location system in a modified manner.

With reference to the aboriginal tribes of Zikali, Matyana, and Usidinane, I would leave them where they are, because I think they have a right to that part of the country. But as their numbers have so much increased by refugees from the Zulu country, I would put them under all the restrictions that I have mentioned in my second plan, with the exception of allowing them to remain where they now are.

With reference to Usidinane, I would observe that, as he has been recently discovered to be in league with Witze, a tribe beyond the boundary, injurious to the interests of this District, he has been ordered by me, with the sanction of Lieut-Governor Pine, to be removed from his present location to the town-lands of Ladysmith, in order that he may be under my personal observation.

In consideration of his having aboriginal claims, I allowed him to choose a spot to which he was to be removed, and he then declared himself satisfied to remove to the town-lands of Ladysmith. I then, about three months ago, ordered him so to remove, but he has not yet done so; first alleging various excuses, and ultimately refusing altogether.

With reference to the natives without chiefs, to which I have alluded, I would give them the option of either going into the service of the white inhabitants, or of being distributed amongst the different chiefs.

I would continue the power of the chiefs in a modified form.

The present inclination of the chief is to try to get as many people added to his tribe as possible.

The present powers of the chiefs are, that they are at liberty to punish all crimes and misdemeanors committed by their tribe, except in cases involving the punishment of death, in which case they are obliged either to refer to the magistrate or diplomatic agent.

He has also the power of enforcing the payment of debts, and the decision of matters of a civil kind, in his own tribe.

The mode in which the former is exercised is by the chief assembling his councillors, and hearing the case, and then pronouncing a decision.

The punishment is generally a fine, also sometimes corporal punishment.

Civil matters are decided in a similar manner, except in very minor cases, the case is referred to the man next in authority to the Chief.

I would modify this power by requiring a neighbouring chief to be called in to assist in the decision of cases of importance; in addition to which I would have a jury composed of people chosen by the council, and the two chiefs to sit as judges. I would have the jury to consist of seven members, the verdict of a majority to be the verdict. Jury should merely find the guilt or innocence of the accused. I would leave the punishment to be awarded by the two chiefs sitting as judges. In case of the two chiefs differing in opinion, the matter should be referred to the Resident Magistrate. I would submit to the Resident Magistrate the case as originally submitted to the two chiefs and the jury, informing him from recollection of what took place on the trial. I think this would enable the magistrate to form as correct an opinion of the case as it is possible for him to do at present.

The only good to be expected from calling in a neighbouring chief would be, that whilst the same influence, to which I have referred, would exist as regards the jury, he would serve as a check upon the chief in awarding the punishment only; and of course the influence as regards the chief over the jury would still exist.

I would leave the civil matters to be disposed of by the chief as at present.

I think now, that it is not absolutely necessary to modify these powers, as they are seldom exercised; and in case of any abuse the parties can always appeal to the Resident Magistrate.

The crimes punishable by the Kafirs are witchcraft, theft murder, arson, rape, assault. I do not believe unnatural crimes are punishable by Kafir law.

Murder is punishable with death and confiscation of the criminals property in favor of the chief.

The punishment for witchcraft is the same.

The general punishment for theft is the restoration of much more property than that stolen, a certain portion of which goes to the chief, and the remainder to the injured party.

Arson is punishable by fine. And rape likewise. Assault also by fine.



I would modify the punishment for witchcraft ; I would not do away with it altogether, because it comprehends the charge of poisoning and attempting to poison, which I believe to exist among them.

I would modify this in the following manner :—By declaring that the doctor who is usually employed to discover the wizard should be made to prove his guilt, beyond his mere assertion of it, before the Resident Magistrate, and not before the chief.

In all these cases where death had ensued, or where there was proof of poison having been administered, I would, as in ordinary cases of attempted murder, cause the Resident Magistrate to take a preparatory examination and commit them for trial.

If there were no grounds for committal for trial, I would punish the Doctor by fine, for accusing a man of witchcraft without proof other than his own declaration.

I would enforce the fine through the chief, through whom all matters of this kind should be done ; and if refused to be carried out by the chief, I would punish him by fine. If he continued to refuse I would then have recourse to arms to enforce the fine against him.

I do not think that enforcing these decisions by recourse to arms would endanger the general peace of the District ; as my experience in this and other countries has shewn that prompt action is the only means of keeping savages in proper subjection.

I do not think there would be any chance whatever of other chiefs combining with the chief against whom a decision of this kind was about to be enforced, as they would see the justice of the decision, and also because this would be the way in which according to their own laws the matter would be dealt with.

My experience in this country, referred to in a former part of my evidence is this :—When first I took office at Klip River, I found the natives in a most lawless state, putting the white inhabitants almost at defiance by walking over their property in numbers armed.

I, at once, upon the complaints of the inhabitants, saw the evil that this might lead to ; and, therefore, issued orders through the medium of my native messengers to the chiefs, at the same time seeing them personally, that this practice could be no longer allowed ; and, consequently, that the chiefs or their people were not to go out armed, except in their own locations ; and that if found after that notice, for the first offence they would be deprived of their arms, and if repeated they would be punished.

Having to go about my division frequently, I carried out this by depriving, or causing to be deprived, any native found with arms after this warning.

Shortly after this, a small clan of natives residing in the Quathlamba threatened that if the owner of the property on which they resided would not let them do as they liked his life would be at stake.

Upon that I took a small force of Burgers with me, and taking them by surprise, I took away all they had, having first convinced myself of the accuracy of the statements.

I, after that, removed them to the Town lands of Ladysmith, where they have ever since behaved very properly, so much so, that the greater part of their cattle have been restored to them.

These people had prepared themselves for resistance, and would have resisted if they had not been taken by surprise.

Another case very similar occurred shortly afterward, in which resistance was actually offered by a body of from 80 to 100 men; but still they were also more or less taken by surprise, and there was only one assegai thrown at me, when I fired over their heads; after which the affray ended so far, by diverting their attention to our movement against the cattle.

And since these two occasions there has been little or no trouble with the natives; which I attribute to these measures.

In both these cases the measures were adopted in reference to men of little consideration among the natives. They were merely bands of robbers and not allied to any particular chief.

I don't think that if similar measures had been adopted with reference to Matyana, or any other chief, that the result would have been different.

I am not aware of any emigration going on from this District by the natives.

I would encourage this emigration, did it exist, because I think that we have a great many more natives in proportion to the white man than is necessary; and because it is shown that wherever black and white have come in contact it has ended in a struggle.

There is an extreme want of labor by the white inhabitants in my Division.

The causes of this, in my opinion, are, first, the indolent habits of the natives themselves; secondly, the great advantages granted to them by the government in allowing them to occupy lands without purchase or any other condition; third, the few wants that exist in their natural state, which can be more than amply supplied without labor.

I think the system contemplated in my second proposition will meet this emergency.

I think the Legislature should pass a law that the young men should be directed to work, by the inhabitants who want labor applying to the Resident Magistrate.

I have adopted this system myself, and find that it can be carried out.

I am in the habit, as far as the means in my power will allow, of procuring labor, in the way that I have mentioned, and from the manner in which this plan has succeeded I have no doubt that it can be carried out.

The chiefs, as they are at present constituted, dislike this, because it is the means of scattering their tribe; but I have reason to know that some of the Kafirs approve of the plan adopted.

In my opinion, labor cannot be obtained from the natives, unless such a law is passed. But I think the modification of the locations as suggested by me, will, to a certain extent, remedy this evil. The modification alone, without the law, won't do it.

I would remark, with reference to the law directing the "young men" to work for the inhabitants, that should they not be willing so to do, it will be at their option to leave the country.

I am prepared to say that supposing the natives were to refuse to submit to this law, and also to refuse to leave the country, that the latter might be enforced.

I am of opinion that, at present, the government has a sufficient force to do this, if properly undertaken.

I would employ a civil or Burgher force in an emergency of this kind, by impressing upon the white population the necessity of such a measure.

I would, as at present advised, drive them beyond the Umcomaa's, and I would keep them there by means of a rural police stationed along the Umcomaa's River. I think that one hundred mounted men as a police would effect this purpose.

I think that the original cost of such a force would be £5000; and after being established, I think they may be maintained at an annual cost of £3000.

*By Mr. Bird.* I am not aware that the chiefs exercise any illegal authority at present.

The authority of the chiefs is maintained by ancient prejudices and habits of the people, and also by these chiefs screening the people in those cases in which they ought properly to be brought before a magistrate.

*By Mr. Otto,*

With reference to that part of my evidence which relates to the payment of 500 head of cattle by Matyanas father, Job, my authority for this statement is that certain complaints having been preferred to government against Matyana by Mr. Thompson, it was found on investigation that some of them were not well founded, and then it became known to me, both from Matyana himself [and from other parties, that this transaction had taken place.

I am not aware one way or the other whether the 500 head of cattle have actually been paid.

According to the Kafir law, the confiscation of a man's property for witchcraft includes confiscation of his wives and children, but this is not carried out in Klip River Division.

In such cases, I believe, according to native law, the family is distributed or sold or disposed of amongst the tribe.

*By Mr. McFarlane* As far as I am aware the arrangement with Job was sanctioned by the Volksraad.

Job's tribe pay taxes to this government like others.

No measures can effectually be adopted as the locations are at present situated, of preventing the refugees from the Zulu country entering the District.

Panda has not complained, as far as I know, of his people leaving the country, but of their taking his cattle with them, with the exception of one or two of his chiefs whom he is anxious to recover.

I am not aware that the Kafirs in Klip River Division are possessed of firearms, with the exception of a few of Zikali's tribe, who had arms supplied them by this government.

I am not aware, without referring to the Blue Book, whether the parties composing the Commission for settling locations were all British subjects.

I am not aware whether the colonists were consulted when these locations were fixed.

I don't think it would be advisable to abolish the authority of the chiefs altogether.

I don't think it would be advantageous to reduce the authority of the chief to that of a chief constable.

The chief cannot inflict the punishment of death on his sole authority, but he can inflict minor punishments amongst his own people, without reference to the Diplomatic Agent or Magistrate.

I don't think in the event of the refusal of the conditional labour referred to by me, it would be just to order parties back to their own country, because that would entail upon them the risk of being immediately put to death, nor could they be ordered into a country not belonging to this government, nor would it be expedient to order them into one unoccupied or unclaimed, because they would resort to their former habits.

Their present condition varies from their former in this important particular, that the punishment of death is not inflicted.

I think they would be put to death on return to the Zulu country, because previously to their leaving it, they had committed some crime known in that country.

I do not mean to say that all the refugees from the Zulu country are rogues and vagabonds, because it is well known that they are frequently compelled to leave the country for very different reasons, such as the return of an unvictorious army, &c.

I think that removing the Kafirs to beyond the Biggars Berg would be the very worst measure that could be adopted, because it would be placing them again on the frontiers of the Zulu country, and they would be so situated with reference to the white inhabitants that any outbreak would scarcely be foreseen.

*By Mr. Barter.*—I do not think that the Kafirs could be driven into the Sovereignty, because, in the first place, we have no right to drive them there, and, in the second, the inhabitants of the Sovereignty are as anxious to get rid of their black population as we are.

I did not mean to suggest that a white man should be associated with a chief in giving judgement, as referred to in a former part of my evidence.

I am not acquainted with the country about the Umcomas.

I believe that the influence of the chief is of itself strong, but it has become more so by its being fostered and acknowledged by this government.

*By Dr. Addison.*—In reference to the wages to be paid to the "young men," I think this should be left as much as possible to mutual agreement between the master and servant, but in the absence thereof a scale should be regulated by the government.

I think the young men should be allowed to choose among the colonists the persons into whose service he wishes to enter.

I would also direct the young females to go to service, because I think it would tend more than anything else to advance civilization.

I do not think if my system is adopted that it will cause the Kafirs to abandon this District if it is properly explained to them.

I do not think if labor is so easily obtainable as I contemplate, it will prevent white labor from coming to this country, because I think a farmer would always rather have a white laborer than a black one.

*By Mr. Scheepers.*

It is not because the Kafirs have not already sufficient land awarded to them that I would remove them beyond the Umcomas, but with a view of removing them from the fastnesses they now occupy, which would, if any disturbance occurred, enable them, intermingled as they are with the white population, to do much greater mischief.

I am not personally acquainted with the country beyond the Umcomas, but I would remove the Kafirs there because I am informed that it is unoccupied by white people, provided always that they are kept under the guidance of a European officer appointed by the Government.

I did not mistake the name of the Umcomas for some other river intended by me beyond that. My evidence on this point is not from personal observation.

*By Mr. Moreland.* Matyana occupies the country in the vicinity of what is called "Job's Berg."

I cannot say what the number of the population of the tribes which I consider aboriginal was, but I have reason to believe that it was very insignificant.

I do not know of any instance in which the Boers gave any specified Location to refugees.

The Umzimyati is one location only, and not one of these locations is, as far as I am aware, defined.

I think polygamy may be done away with but not suddenly.

I do not think polygamy will diminish as the population increases so long as the advantages derived from a number of wives exist.

I believe, however, that the price for which wives are purchased has much increased compared to what it used to be. I ascribe this to the increase of the male population, and out of the increased sale of marketable articles produced by the work of the wives.

In my opinion if polygamy was prohibited it would cause the emigration of a great number of the Kafirs.

I do not consider that there would be any objection to intermix different races of Kafirs in the same locality; on the contrary, I think the absence of unity is to be desired.

I would, if the government would proclaim its sovereignty over a tract of country beyond the Umzimkulu, prefer that locality to that beyond the Umcomas, but not as a neutral territory.

*By Mr. Henderson.*

I do not think under the present system that the collection of the native hut tax will continue to be submitted to, nor do I think the

hut tax is a fair tax, because I consider it is much more easy for the Kafirs living in the neighbourhood of towns to collect the tax than those at a distance.

*By the President, (Mr. Harding.)*

As regards the Kafirs at a distance I think the tax stimulates them to labor more than they otherwise would.

*By Mr. Henderson.*

The last tax was collected without any difficulty, and to my surprise, paid chiefly in money, and I found no evasion attempted.

I think if natives in actual service of the white inhabitants were exempted from the tax it would throw more labor into the market.

I don't think it would be of advantage to exempt natives merely living on private property from the tax but on the contrary.

*Mr. Shepstone.*

I based my calculation of the number of natives in Klip River Division, by allowing three and a half inhabitants to each hut for which taxes have been paid.

There are, strictly speaking, only two locations in the Klip River Division, namely the Quathlamba and the Umzimyati locations.

I relieve that Zikali's tribe, and a portion of Longubalela's tribe were placed in their present position with a view of checking robberies by Bushmen.

Zikali lives in the Quathambla location, and Matyana lives in the Umzimyati location.

I would alter these locations by reducing their extent.

I am not aware that the second plan proposed by me this morning is nearly identical with that proposed by the Commissioners for locating the natives 5 years ago. I have not seen the Blue Book. Nor am I aware why that recommendation was not adopted.

I think to a certain extent the placing of the tribes with a view of checking Bushmen's robberies, has been successful, (but not fully so) because Zikali's position cuts off the passes of the Bushmen in that direction.

I believe Bushmen robberies have decreased very greatly.

*By the President, (Mr. Harding.)*

I am also aware that since Faku was made to pay the amount of cattle stolen from this district by Bushmen, by virtue of his treaty, that no robbery has been committed, and I have also learned that in consequence of this, Faku caused the destruction of the Bushmen within his reach.

*By Mr. Shepstone.*

I believe that the robbery which gave rise to the enforcement of the treaty took place at Bushman's River, but I am not certain.

I am also aware that previously to the establishment of Zikali, many of the farms in that neighbourhood were uninhabited in consequence of the depredations by Bushmen.

I am not sufficiently aware of the boundaries of the two locations as to enable me to say how I would curtail them, but judging from their limits as pointed out by the white inhabitants and natives, I certainly would do so.

J. H. M. STRUBEN.

### THIRD MEETING.

Wednesday, November 3rd, 1352.

**PRESENT :—**The Hon. Walter Harding, Esq., *President*.  
 The Hon. John Bird, Esq.  
 Theophilus Shepstone, Esq.  
 Captain Struben.  
 P. A. R. Otto, Esq.  
 W. McFarlane, Esq.  
 Charles Barter, Esq.  
 C. Labuscagne, Esq.  
 S. Maritz, Esq.  
 E. Potgieter, Esq.  
 A. Spies, Esq.  
 John Moreland, Esq.

The President proposed the examination of Mr. E. F. Potgieter to commence.

Examination of Mr. Potgieter commenced and concluded.

The President submitted letter from Mr. Buchanan, requesting to be allowed to take a copy of the minutes.

The commission unanimously refused this application, on the ground that Mr. Buchanan, in common with other editors, may obtain the information he seeks, by employing a Reporter, and that the secretary inform Mr. Buchanan of this reply, the Commission having already resolved upon publishing their proceedings, from week to week, in the *Government Gazette*.

The examination of the Hon. Mr. Cloete, was commenced and continued.

The President adjourned the meeting at 5 o'clock, to meet again, tomorrow, (Thursday,) at 9 o'clock.

(Signed)

EDMUND TATHAM, Secretary.

*Evert Frederick Potgieter*, a member of the Commission, called in and examined.

*By the President.* (Mr. Harding.) I reside in the Klip River Division. I left the Cape Colony in 1836, and arrived here in 1838. I came with the emigrants under Maritz. I first lived at the Umlaas, and subsequently at the Umcomaas, and since then between this and the Bay.

There were natives in the country when I came. Some of them lived at the Zwaartkop. There were also natives at the Umcomaas, under a chief called Fodo. I also heard that there were natives at the Table Mountain. There were also Kafirs in the neighbourhood of Port Natal, and also along the Umgeni. There were also Kafirs along the coast, near the Illovo. I also saw, two years previously, some Kafirs at the Umtafuna. Job, now called Matyana, was also in what is now called the Klip River Division. I never heard of Matuaan. I am not aware whether there were any Kafirs on this side the Tugela, to where it is joined by the Umzimyati. I am not aware whether Magadama was here or not. I never heard of Pagadi. I never heard of Somaheshe. I also know that there were Kafirs on the Umgeni, but I learned that they had been placed there by the English.

I also found in 1834, when I first visited this country, that there were English people residing in the vicinity of the Bay. There are some of these English people now in the country, viz.—Messrs. Fynn, Ogle, and Richard King.

I do not recollect any more natives then in the country, but there may have been without my knowledge. I think that the number seen by me in 1834, might have been between 2000 and 3000 souls. But at that time I was not inland to were Ladysmith now is; I did not go further than the Tugela on the Coast. I think there were more Kafirs in 1838 than there were in 1834. I am also aware that after our arrival the Zulu nation after having attacked the Emigrants first made an attack upon the natives in this part of the District.

I have been a member of the Volksraad. It was the intention of the Volksraad, as the number of Kafirs kept increasing after our arrival, to remove them beyond the Umcomas. It was not, however, done, because whilst the Volksraad were deliberating as to the mode in which it was to be done the English troops landed in Port Natal.

As far as I recollect it was not the intention to move them by force, but considering the hardship which would be entailed upon the natives by moving them to so great a distance, at once it was contemplated to move them short distances in that direction from time to time till they got there. If the natives had refused, we would have moved them by force.

I am aware that after the establishment of the English Government, certain tracts of country were assigned to the natives as locations. I am also aware, that in some instances the natives have been moved to within some of these locations. I think this was a bad plan, because if they should wish to make an attack upon the white population, they could do so at once over the whole country. And also because it is injurious to the inhabitants by reason of the the Kafirs constantly moving about from one location to another, travelling over farms of the inhabitants by which means cattle are frequently stolen; and also, inasmuch as that these locations are so near the towns, that the Kafirs by growing and selling mealies and other articles find it unnecessary to go out to service.

I do not think that the Locations should be continued as at present. I would break up the present locations. I would move the Kafirs beyond the Umcomas, but I would not move all of them.

As far as the Klip River Division is concerned I would move the whole of the natives from it excepting the tribe of Zekali.

*By Mr. Bird, President, (in the absence of Mr. Harding.)*

When the Kafirs shall have been removed beyond the Umcomas I propose that there shall still be a law obliging them to furnish their young men to be laborers in the division of Klip River. I am partly acquainted myself with the location of Umzinyati. The location is very hilly, stoney, and bushy. I think it would be difficult and scarcely possible to controul the natives in any way in such a location. The location of the Inanda is just as rugged as that of Umzinyati. I think that the same difficulty would exist for governing the natives in the Inanda location, because the Kafirs appear to be less easy to rule in difficult situations. I have never been myself in the location of the Inpafana, but I have seen it from a



distance, and I have heard others say that it is still more rugged and broken than the others I have mentioned. I have not heard anything of the Kafirs emigrating, but I have heard they are coming into the country in numbers.

The country to which I would remove the Kafirs beyond the Umcomas, is less broken and rugged than the other locations I have yet described. I know part of the country beyond the Umcomas I don't myself know that there is much registered property beyond the Umcomas. As far as I have examined beyond the Umcomas towards the sea, the country is hilly, but not so hilly as the other locations.

I would place all the the Kafirs westward in a line supposed to be drawn through Cornelis Uys' farm towards the Umzimkulu, and part of them I would place beyond the Umzimkulu. I do not see why they should all be placed over the Umzimkulu, there being Government land beyond the Umcomas.

I have not much personal knowledge of the power, functions, or authority of the Native Chiefs; or of their hereditary succession. I know of no other means of procuring labor then by removing them beyond the Umcomas, subjecting them to the law of providing young men to enter into the service of the European Inhabitants of this District.

There are a number of natives who have no chiefs these I would wish to see retained in the District if they would enter into terms of service with the white men.

I know that the greater number of the natives now resident in the District are refugees from Panda. I don't know that they fled for crimes, but they fled from fear of tyrannical rule. I believe and I think the Kafirs also know that if they were sent back to Panda they would be all put to death. I think if we send them back we send them to be killed. I therefore do not think it advisable. I have heard that the Zulu King has often sent to have one at least of his chieftains sent back to him.

*By Captain Streuben.*

We found the Kafirs here in great poverty in the year 1838.

As far as I know they were the remnants of a tribe exterminated by Chaka and Dingaan. As far as I know several of them came here with cattle.

I think that the Kafirs in removing about from place to place often take with them some of the cattle of the inhabitants.

Partially the rugged locations I have spoken of might be inhabited by white inhabitants.

*By Mr. Otto.*

I think in the time of the Volksraad the Kafirs would have removed had they been ordered so to do.

I think that one of the reasons for the difficulty in procuring Kafir labor is that Kafirs have just as good land in the location to till, as the Farmers could give them.

I think that if the Kafirs removed beyond the Umcomas or Umzimkulu were obliged to pay the Hut tax, that, that would induce them to send out the young men to labor, to earn the requisite amount. If there were a strict law I think it would be advisable that any Kafirs should be allowed to leave their chiefs and remain in the District in service if they chose.

*By Mr. McFarlane.*—When these locations were constituted, part of the colonists were for having them, and part for not having them. The greater part of the Dutch Boers were against having the locations made.

Experience has taught us that Kafir tribes will perhaps remain peaceable for 10 years, and then rise and destroy all before them. I cannot say that there will be any rising of the natives but I expect it.

Whenever I have spoken of anything produced by Kafir industry I have meant the result of female labor, for the male Kafir never works. The labor of a Kafir female is compulsory. The male Kafir lives chiefly in idleness, the male Kafir depends for subsistence chiefly on the labor of the female, his cattle he exchanges for wives. The Kafir women are purchased partly for wives and partly as laborers. I regard a Kafir's wife as a slave whom he may compel to labor. The Kafirs compel their wives to labor for they have bought them. There is no law of the Government against this slavery.

*By Mr. Barter.*—The Kafir boys are employed as cattle herds for their fathers and their chiefs. I cannot speak as to the mode of treatment of their servants or slaves by the Kafirs.

I believe the Kafir chiefs employ their male population to make kraals for them. I think the Kafir boy is better off in the service the white man because he earns money. I cannot say whether their treatment is better with the whites or their fathers because I am unacquainted. The Kafirs sell their female children for wives or slaves.

I think that the wish to have wives is a great temptation to cattle stealing, and therefore I wish to have them removed.

I think it would be possible under strict law to check polygamy but it would not be possible under native law.

The Volksraad had a law that no Kafirs should come into the country which at first they enforced by sending them back to Panda.

At the time of the Volksraad each farmer was allowed 5 families on his farm, but not any more without consent of the authorities.

The Kafirs were much more submissive to laws then than now, and there was no theft amongst them.

I ascribe to the institution of the locations the circumstance of the Kafirs being less submissive to government, and more disposed to theft.

*By Dr. Addison.*—Zikali is such a protection against the Bushmen that if he were removed I would abandon my farm.

Some of the women are sold old, some young, but always after the age of puberty. They do not sell children.

The Kafir woman becomes the concubine of him to whom she is sold, and does all kind of labor for him.

The labor of the Kafir woman must be severe, because they have to work in the field all day, and in the afternoon go home to cook for their masters.

I cannot say whether the Kafir women feel the hardship of their condition.

Pregnant women have to labor as well as others.

In my opinion the Kafir women would of course prefer that there should be only one wife to each man, and in that case the Kafir men would have to labor.

The condition of the Kafir wives is no easier when there are more of them, than when their is only one, because the result of the labor of each one goes to procure him more wives.

He is obliged to regard her as his wife, because there is a kind of marriage amongst them.

These wives are even transferred to others before the death of the husband.

The Kafir is obliged to nourish and bring up all his children, and when they are grown up he sells the females again

If they are obedient, Kafir women are treated well. If they are not obedient they are beaten with a stick. I dont think their laws would allow him to sell them if disobedient. I learned from hearsay that an incorrigible wife is sometimes sent back to her parents, but I do not know this.

*By Mr. Scheepers.*—I have heard, but I don't know whether it is true that the Bushmen have taken cattle and killed children among the Kafirs under the Drakensberg.

I cannot say whether the war on the frontier, or the interference with Faku, or the placing the Kafirs under the Drakensberg, has checked the depredations of the Bushmen.

I believe that the English came and settled down in this country, and lived like Kafirs, and were petty chiefs among the Kafirs.

I had no reason to suppose that the lands occupied by the English and Kafirs at Port Natal was their property, because Dingaan subsequently ceded the whole to the Boers. I dont know whether I saw more than from 20 to 30 head of cattle amongst the Kafirs and English at that time. Some of the English had wagons and oxen in addition to the cattle I have just now named, and which I regard only as their herds. There was cultivated ground; no very great quantity, but I cant say how much. I heard that they took up their position in the bushes, because they were afraid of the attacks from Bushmen.

*By Mr. Maritz.*—There had been an attack made by the Kafirs and Dingaan upon the Kafirs and English at Port Natal, after which Dingaan made an attack upon them.

I do not think that the institution of locations was any reason why many of the Dutch Boers left the District, they also left because they had no land. There were people who left the country who had registered property, but I cannot say whether they left the District

to join their relations elsewhere because of the institution of locations. I have heard that some persons would return to their farms if the Kafirs were removed, but I cannot say whether this is true.

I do not believe, nor can I imagine, that the young Kafir women are pleased with being sold. My reason for believing this is that it is contrary to nature to suppose that an old man with 7 or 8 wives buys a young woman, her condition can be agreeable to her.

*By Mr. Labuscagne.*—I have heard that Matyana's father, Job, sent cattle to the Volkraad, but I do not know whether it was for making his peace or redeeming his son from prison.

I have heard that Zykali's father, Matuaan, lived beyond the Buffalo River. I do not know whether he fled from Panda or from Dingaan in coming to where he is now placed.

*By Mr. Spies.*—I do remember that a Commission was sent by the Volkraad to examine the country between the Umzimvubu and the Umzimkulu, for the purpose of sending the Kafirs thither. I have heard that the opinions of the Commission sent out were various,—some thinking that the location of the Kafirs might commence from the Illovo, others from the Umcoomas, and others from the Umzimkulu. I cannot remember that there was any understanding current that the Kafirs were willing to remove beyond the Umcoomas and to remain under the jurisdiction of the Volkraad, because no order to that effect had gone forth.

I would have Kafirs kept under the Drakensberg only with the object of checking the Bushmen; for no other purpose.

If Matyana remains in Klip River Division his location ought to be reduced. I have thought that it would not be well to leave any Kafirs in the Klip River, except those under the Drakensberg, but as there were some who resided there at the time of our coming, I have thought that they may be left. Job and his people were, as far as I know, the only ones who were there at that time.

*By Mr. Merland.*—The Kafirs, at the time of the Dutch coming to the country, were faithful people. They are not so now, for I ascribe the missing of a great many cattle to their thefts. They are not obedient now; I cannot say what is the reason,—whether they respected our government, and do not respect that of the English or not. I ascribe their obedience under the Volkraad to fear; they saw great victories gained over Dingaan, and they therefore feared punishment for delinquents. They are not now under similar apprehensions, and I think their fear is banished. This is the consequence of the laws administered to them under the present system. In their present state they will not be easily kept in order by mild laws, because they are used to severe ones.

I think that the authority of the Kafir chiefs might well be diminished, because they use their power unjustly very often.

I do not know whether the chiefs have screened any of their people when they ran away from service or committed any other crimes. They are screened in the location by their relations, but I do not know whether this is done by the chiefs. There has been a great increase of crime since the early times of the settlement.

I do not think that there is any actual danger at the present moment, but I am apprehensive that it will occur. My object in removing the Kafirs is solely to procure safety.

I think that laborers might be procured if the English government would consent to legislation for that object. If we are to take example from the history of the Cape frontiers, I think the present mode of treating the Kafirs in this colony would lead to war and bloodshed. I think that compulsory labor would tend to civilize them.

It does not occur to me, that I said, nor do I know that Zikali was one of the old residents but I would wish them to be kept under the Drakensberg to keep us from the depredations of Bushmen.

I think that under due laws all those residing in the District on the Dutch first coming, might be allowed to remain.

I do not think a Kafir wife would desire a plurality of wives with a view of diminishing her labor, because the labor would be only diminished in one respect : that of cooking.

As far as I know there is nothing hereditary among the Kafirs in respect of legacies, so that by restricting the right of inheritance to the children of one woman only, this would not operate to check polygamy.

I do not know that women have been compelled to labor immediately after bringing forth children. I never heard that a Kafir, when incompetent from age, has let out his wives to hire. I have heard that when a Kafir has not paid in full for his wife, her father has taken her children away.

*By Mr. Shepstone.*—The owners of farms beyond the Umcomas might have reason for objection there, but not as much reason as those surrounded by locations. Any natural boundary may be taken beyond the limits of registered farms.

The location that I propose would be thus bounded by the Umzimkulu river as far as Dronk Valley—from the Dronk Valley by a line excluding the farm of Cornelis Uys to the Umcomas, and then along the Umcomas to the sea. I should prefer having the location altogether beyond the Umzimkulu if I were not apprehensive that the Kafirs would then be altogether beyond the pale of government. I regard a location at the Umcomas as tending to the safety of this District, because, at present we are in the midst of locations, and the Kafirs might rise and destroy us all in one night. At the Umcomas they might equally attack us, but we should have some time to make preparation, provided the government took steps to have proper surveillance. The distance of the Umcomas is about 6 hours ride from here, but the line of the location would be much further. I think that the distance to which they are removed will be a cause of safety. I should say beyond the Umzimkulu, if the authority of government could be extended so far. I am of opinion that the Kafirs should be removed to a distant location, where they might have good land to till, but would be immediately near the market with their produce, as this would lead to their coming into the country to labor in order to earn money. I would not have

them placed in any position where they could not maintain themselves.

I am not aware of government notices having been published calling upon the inhabitants to notify objections before the locations were instituted. I have not read notices on this subject.

I consider that the Kafir women, being purchased against their will, and compelled to labor, are treated as slaves. The Kafir women are not always purchased against their will, but whenever they are compelled to marry one by whom they are purchased, it is so. I think the women must often have reason to be dissatisfied. I have heard of a Kafir woman refusing to marry when an offer was made; in such case she is shut up with the Kafir until she is obliged to take him; this I have heard, but don't know of my own knowledge. I have never known of any case of a Kafir selling his child otherwise than in order to her becoming a wife.

*By the President* (Mr Harding). I have recommended that the Kafirs, with certain exceptions, should be moved beyond the Umcomas; if they refused to go in a body I would commence moving them in portions. If these portions should still refuse I would force them. I would commence at the Klip River with the chief living in the most broken country. I would commence with Pakadi. I don't know how many men Pakadi has got. I would force him by endeavouring to find other natives, at variance with Pakadi, and employ them, assisted with the white population to make him go. I would not first ask the natives generally to go out; I would begin with Pakadi. If I had to do it alone, I would first wait the result of matters on the frontier, and then call out the white population to drive them out. The reason I would assign to Pakadi for driving him out of the country would be that we had now occupied the country, and could not live in it intermixed with the Kafir population. If Pakadi were to obtain the assistance of other tribes it would be necessary for the government to look for aid, by applying to the old colony or to Pretorius. If Pretorius and the government at the Cape refused I would ask the assistance of Panda, and if Panda refused we would attempt it ourselves.

E. F. POTGIETER.

*The Hon'ble Henry Cloete* called in and examined.

*By the President*, (Mr. Harding.)—I am Recorder of this District, and have been so since November, 1845; previously to this I was Her Majesty's Commissioner for this District, and arrived here in June, 1843.

In the course of my duties as Commissioner, I visited in 1843, and 1844, nearly every part of the District, with the exception of that beyond the Umcomas.

Upon arriving here rather unexpectedly, in the month of June, 1843, and giving notice to the principal inhabitants of this town, of the object for which I had been expressly appointed by Her Majesty, the officials then in authority in this town, resolved to call

a general meeting of all the members of the Volkraad, and principal inhabitants, to take into consideration the proposals of Her Majesty's government. That meeting was held in the early part of August, and after a lengthy and somewhat stormy debate, I received the written acknowledgment from all the members of the Volksraad to the acceptance of all the conditions and terms upon which Her Majesty had determined to adopt this territory as part of Her Majesty's dominions.

I then invited them, immediately upon receiving that acceptance, to submit to me for consideration of Her Majesty's Government, all points relative to the general interests of this colony. They therefore resolved to adjourn their meeting until the beginning of September following, for the purpose of considering amongst themselves, all those points. They met again on the 4th and 5th of September, and on the 6th they transmitted to me for consideration, a long statement on questions connected with the general government, which it is unnecessary to enter upon. But with regard to the Kafir Question, they transmitted to me an Extract Resolution passed by the Volksraad, sitting at Pietermaritzburg, on the 5th of November, 1843. the original of which I now hold in my hand, and produce:—

*Abstract Resolution of the Volksraad, held at Pietermaritzburg, on the 4th and 5th September, 1843.*

“ARTICLE 3. A letter from Mr. A. W. J. Pretorius, dated 30th August last, was submitted to the Volkraad, in which he informs the Council, that the Kafirs or Zulus, had immigrated in large masses into our territory, (voluntarily ceded to us by Dingaan,) in consequence of which we are now robbed of our cattle, and also request that the Volksraad will devise a plan to put a stop to this immigration, or we shall not be able to inhabit this country with safety.

“The Volkraad after a long debate came to the conclusion to represent to Her Majesty's Commissioner, the necessity of removing the Kafirs to the other side of the Tugela River, from the sea, up to the confluence of the Buffalo, or Umzimyati River, with the Tugela, and also on the other side of the Umzimvubu except those who may be inclined to engage in the service of the white inhabitants as laborers; that no person however, shall be allowed to keep more than five families, as formerly enacted by the Volksraad. and that Her Majesty's Commissioner be requested to take such measures as may be calculated to remove the Kafirs in the best possible manner.

“That Her Majesty's Commissioner be also made acquainted with the desire of the people to have the above resolution carried out, as they have during the last 15 and 16 months been robbed of their cattle, of which returns are to be seen at Commandant Rudolph's, which returns can be produced to the Honorable Commissioner, and to solicit the opinion

of His Honor, as to what the Volksraad may or can do to get the cattle back, as the Council feels itself bound to protect the public.

"By command of the Volksraad,

(Signed)

"J. BODENSTEIN,

A True Translation,

"Secretary to the Volksraad."

P. H. ZEITSMAN, Translator.

I should now state that during the month of August, while awaiting the decision of the Volksraad, looking into the general state of this country, and the title under which the Dutch emigrant farmers admitted to have possession of the country which, by that very resolution they admitted that they claimed by virtue of a cession from Dingaan, serious doubts arose in my mind whether that section of this country now called the Klip River Division might be considered a part of this District, as the terms of the very cession by Dingaan, (which had been found with the remains of the late Peter Retief,) expressly stated that it was from the mouth of the Tugela to its source; from the wording of which it must be apparent that the Klip River Division was thrown out, and as the fixing of the future boundaries of this District was expressly referred to me by my instructions, I determined that there should be no doubt on that question. I proceeded accordingly to Panda's country, in order to obtain a formal cession thereof; and having obtained it, signed by Panda and his captains and councillors, I, immediately, on my return, devoted my attention to this particular Kafir question. I made every possible enquiry both from the Dutch and British emigrant farmers, as to the number of what might be termed aboriginal tribes, which they had found on their arrival in the District to be resident therein. I transmitted a tabular statement to Her Majesty's government, and which was subsequently published in July, 1848, in Blue Book, page 62.

Names of Chiefs.	Names from which they descend.	Where located.	Remarks.
Makitikili .	Kali . .	Umalanga . .	Almost all these tribes are few in number, the largest numbering about 800 or 400 persons of both sexes.
Umnini . .	Amazuba . .	Bluff, near Natal . .	
Zingolli . .	Embo . .	Umkomaas . .	
Umbozie . .	Amakie . .	Near Port Natal . .	
Kaan . .	Amakola . .	Ditto . .	
Donzella . .	Amadomgi . .	Umsinta . .	They are quietly settled down upon places long since occupied by them, cultivate land extensively or are employed by the day or week, of neighboring farmers.
Iomi . .	Ditto . .	Umtaphina . .	
Umsala . .	Amaniqua . .	Near Port Natal . .	
Tried . .	Amalanqueen . .	Ditto . .	
Dala . .	Amadulu . .	Ditto . .	
Soli . .	Umalanga . .	Ditto . .	
Maalaume . .	Amafootes . .	Ditto . .	
Makoote . .	Ditto . .	Ditto . .	
Gungatie . .	Ditto . .	Ditto . .	
Mapingan . .	Ditto . .	Near Pietermaritzburg . .	



There appears to have been at that time a number of fifteen aboriginal tribes, and from the best information that I could obtain, averaged from 300 to 400 people only in each tribe, so that in round numbers, the really aboriginal Kafirs found in the District, at that time, appeared to me to have been about 5000 or 6000. I must, however, add that I did not personally visit all these tribes, but saw about six, and took pains to obtain evidence as to the position, names, and locations of the others. With that statement, I also, on the 10th November, 1843, transmitted the foregoing resolution of the Volksraad, and submitted to Her Majesty's government, their views, together with mine upon theirs. At page 61 the subject will be found, in Blue Book, which reads :—

- “My reasons for dissenting from the suggestions of the Volksraad are the following :—
- 1st. It appears to me that the removal of so large a mass of population from various parts of this widely extended colony would be attended with almost insuperable difficulties. In numberless instances it could not be accomplished without expulsion, and settling down at once 40,000 or 50,000 persons of all ages and both sexes upon a yet uncultivated soil would entail, I fear, great miseries and hardships upon them in the first instance.
  - “2nd. The location of such vast numbers brought together would require very extensive tracts of country to provide not only for themselves, but prospectively to secure a competency to the rising generation. These tracts of country could not be given up between the Upper Tugela and the Umzimgati without dispossessing several emigrant farmers, who are already in the occupation of some valuable farms in that district, while it is notorious that the farther (or right) bank of the Umzimvubu forms part of Faku's territory, and that he actually resides on this (or the left bank) of that river. Their removal thither could not, therefore, be accomplished without an encroachment upon Faku's territory.
  - “3rd. The Volksraad seem to betray some inconsistency in their very suggestions ; they appear inclined to limit the number of Kafirs in the employ of each farmer to five males, with their families ; while I would humbly submit, that if farmers continue to require this class of labor, there seems to be no just reason why the industrious and wealthy farmer, cultivating extensively, should be limited to only five male servants, and should not avail himself of the means of obtaining as much labor as the wants of his farms might require.
  - “4th. But there is a much stronger reason than any of the foregoing for refusing the application of the Volksraad. By huddling together so vast a population as 40,000 or 50,000 people on one location, it is evident that they will fall back to their natural and lawless habits. This would soon lead to their having chiefs or leaders of their own, whose influence over such numbers might become dangerous to the colony, while the difficulties of the missionary or the Government to improve their habits and customs will be increased tenfold. Their moral improvement and civilization will be retarded by a century, and the rapid increase of population, which, under such favorable locations, would soon take place, will only render every subsequent interference of the Government dangerous, and the labors of the missionary extremely precarious and uncertain.
  - “Having now submitted my objections to the plan proposed by the Volksraad, I shall do myself the honor to submit, for His Excellency's consideration, a project which appears to me to obviate all the foregoing difficulties, to secure a happy residence and the means of competency to the Kafirs generally, and which will still meet, to a great degree, the fears of the emigrant farmers, and of a constant clashing of their interests, which cannot fail to take place soon, and will, therefore, require the immediate attention of the Government to prevent the most disastrous consequences.
  - “To come to a correct view of the claims of the Zoolahs, it appears to me just that a distinction should be made between those who were originally found in the country, who continued to occupy lands as their own, and have thus a claim to those lands, and such other Kafirs who are but late deserters from the Zoolah

country, and have fled into this colony within the last two or three years, having taken away much cattle from the Zoolah country, and who are now settled down on any spot which they happen to have found unoccupied, notwithstanding every effort made by the emigrant farmers to prevent or check this influx.

"With regard to the first, their right is incontestible to the land occupied by them and their forefathers. I would therefore propose, that those kraals should be correctly inspected and examined (it is impossible for me, with my other duties, to devote any time to so minute an enquiry), and that, according to the number of kraals occupied by these aboriginal inhabitants (according to the annexed list, or if this list be found inaccurate, then according to more correct data), certain tracts of land should be inalienably vested in the chiefs of such kraals or their descendants, in trust for the use and behoof of all the inhabitants of such kraals as tenants in common.

"In regard to the far larger number of intruders in this colony, it is equally just, so long as they cannot be refused admission into this country without endangering their lives, that Her Majesty's Government should have and exercise the undoubted right of locating them in such manner as may be consistent with the general interests of the country. To carry out this principle I would take the liberty of suggesting, that the future government here should establish, in several districts in this colony, six or more locations, keeping them, if possible, a little way removed from the contaminating influence of the chief town and the port. Dr. Adams of the American Board of Commission for Foreign Missions, has for some time past, superintended one institution, situated at the Umlazi, which, I am informed, has no less than 10,000 or 12,000 inhabitants.

"From the very efficient manner in which this institution has been kept, and from the zeal and ability displayed by Dr. Adams in superintending so vast an establishment, I would take the liberty strongly to recommend, not only that this establishment should be kept up, but that every encouragement should be given to Dr. Adams to continue his zealous labors. Two other locations along the coast might be established, one near the Umzimkulu, and a third on the bank of the Tongaat or the Umvoti rivers. The Rev. Mr. Groux, an American missionary, driven by the murderous atrocities of Panda out of the Zoolah territory, has taken a temporary residence on the right bank of the Umgam, and has endeavoured, though as yet with little success, to imprint some religious notions and moral principles on the numerous Kafirs occupying the country around. The vicinity of that establishment to Port Natal will ever render the moral improvement of those ignorant and lawless beings more than doubtful, and I would therefore recommend the removal of that station to the Tongaat or Umvoti, ten or twelve miles more to the eastward, as I feel weighty reasons for submitting, for the consideration of His Excellency, that these stations should not be fixed on the very borders of the Zoolah country.

I beg to add that I have seen no reasons since then, to alter my conclusions, as then expressed, with the exception of certain modifications, which I shall hereafter enter upon. From these data you will perceive that I made a broad distinction between the aboriginal Kafirs, and the interlopers, or Zulus and others, who had come for safety into this District. Shortly after this I determined to visit the location of Dr. Adams on the Umlaas near D'Urban. I found by the records of the Volksraad that that location to an extent of ten thousand acres, had been granted by the Volksraad to Dr. Adams, and in the course of much interesting discussion which I had with that worthy gentleman, on that subject, he complained that that tract of territory was quite inadequate to locate the daily increasing numbers, which were pouring in upon his location, upon which I ventured to explain to him, that I thought it would be prudent for him, while this important question was still pending for reference to Her Majesty's government, to concentrate, as far as he could, by his authority with the Kafirs, their settling

down beyond the Umlaas to the northward, and the Illovo to the southward, leaving the line to the north-west, abutting upon emigrants' farms, to be thereafter determined by government. I have also to add that during these conversations, I gave Dr. Adams to understand that I would not recommend any location to exceed 20,000 acres, or thereabouts, and received about the same time, a letter from him concurring in, or adopting that extent.

My statement of aboriginal Zulus, was transmitted to the government, on November 10th, but subsequently I visited the northern part of the District, in January, 1844.

There I personally saw Matuaan, and from what I heard from him and others, I ascertained that he also was an aboriginal Resident.

In reference to Job I did not see him personally, but from what I did hear I was then of opinion that he was not an aboriginal Resident in the district, but had taken refuge in this country, after a defeat by the Zulus. But Job, and Pakade, and Sibel, were in the country long before, the year 1843.

The only other place likely to become a location was that upon which Mr. Grout was then settled, named Landman's Laager, at the lower drift of the Umgeni. I visited this location, and finding upon enquiry that this was a farm already either asked for as a registered farm, or belonging to an emigrant farmer, and upon the admission of Mr. Grout that he had taken possession of it, finding some wattle and dab huts unoccupied, I thought it right to apprise him that I had recommended the government not to sanction a location in the immediate vicinity of a town, such as D'Urban was likely to become. But as he had informed me in a previous letter that between 9,000 and 10,000 Kafir, chiefly refugee Zulus, were occupying all the country between the Tugela and the Umgeni, I recommended him gradually to remove, with all those over whom he had influence, to such lands as he would find unoccupied and unclaimed between the Tongati and the Umvoti rivers; and this I think he subsequently did.

I am unable to state the number of the other tribes that I refer to, as residing in the northern part of the District.

I am aware that on the establishment of the government, in 1845, certain tracts of country were allotted to the natives as locations.

In the month of December, 1846, I perceived through the public gazette, that certain persons had been appointed by the government for enquiring into and reporting upon the number, size, and extent of locations to be formed within the District; in which the government expressed a concurrence in my opinion, as to there being locations within the District. This commission consisted of the Diplomatic Agent, the Surveyor General, two American missionaries, and an officer of Engineers. I trust it will not for a moment be deemed offensive if I state that, in common with the whole of the community, I entertained no doubt that the result of a commission so formed would not give general satisfaction, and I confess that I was perfectly astounded when I saw by the first report sent in by

that commission, on three locations only, along the sea coast line, that those three locations alone were recommended at least to embrace an extent of nearly 600,000 acres.

The Umlaas is certified in a document obtained from the Surveyor General's office at 130,000 acres, the Inanda at 250,000 acres, the Umvoti at 191,000 acres.

This recommendation of the commission, also carrying with it at once the absorption of several farms which had been already previously registered by me as Her Majesty's Commissioner; some of them on the first-class, which had been sanctioned by Her Majesty's government, and the others in the second class.

The immediate consequence of these suggestions, which were partially if not entirely carried out by the local government, was to create the most extravagant notions in the minds of native chiefs, who considered themselves now entitled to share in these, and, on the other hand, naturally caused serious discontent with those emigrant farmers, who saw their rights to their property disregarded; who were, as they thought, put off by a vague promise of future compensation which most of them to this day have not received, and others have been compelled to seek redress before the District Court.

My opinion, then, is that these locations have been fixed on much too large a scale.

I have also ascertained from the Surveyor General's office, that the following is at least the approximate extent of the following locations:

Moei River or Impafana location, 450,000 acres.

Upper Tugela 207,000 acres.

The Zwaartkop 61,440.

Making together, according to the return of the Surveyor General, 1,254,480 acres. This, however, is again to be understood as not comprising the new, or Drakensberg, location under Zikali nor the immense mass of native population well known to be congregated between the Umcomas and Umzimkulu, who came from Dushani's tribe, which, although that is not declared a location, yet if they are there to be settled down I am confident that I am not wrong in stating 2,000,000 acres at least of this District to be taken up by the natives' locations. Having given my opinion that I deem these grants extravagant, I must give my main reason, which is not fully set forth in my despatch of 10th November, for that opinion.

Every one who has ever studied the history of man will admit that so long as a population is essentially pastoral and Nomadic, so long it will be in vain to expect the foundation to be laid of civilization and social improvement. Whether it be the Bedouin Arabs, the Koords of Asia, the Kafirs of Africa, or the Karoo Vee Boer, (cattle farmers) so long as they are not induced to settle down and to earn their bread by the sweat of their brow, and so long will they remain barbarous and unworthy the name of civilized beings.

The great fatal mistake, therefore, appears to be, that by the extravagant extent of these locations, the Kafirs have had the strongest possible inducement to look to their herds for their sole support, and instead of devoting one single hour to habits of industry or agriculture, to leave their rude state of cultivating the soil to their unfortunate women as drudges, if not as slaves; and themselves to continue a life of listless apathy, indolence, and sensuality.

I would therefore recommend to the government still to respect the aboriginal claims; which the government will be able to trace from my tabular statements; to allocate these on the best lands that the country will produce (having regard to the rights of others); affording them abundance of water, wood, and arable land, but by reducing the extent of these locations indirectly, but effectually, to check that most fatal inherent propensity of theirs to acquire cattle, and thus, by these measures, to induce them to devote their time to industry and agriculture.

With that view, I would recommend that out of all the crown lands at the disposal of the government some of the best lands should be selected, and that these aboriginal tribes should be there settled down in locations, none of them to exceed 20,000 or 24,000 acres; as I feel perfectly confident that 8 or 10 of such locations within the District will yield ample means of subsistence to those tribes, if they will devote themselves to habits of agriculture and husbandry, and at the same time thus become the nurseries from whence proper free labor can be distributed and furnished to the farmers adjacent and around.

To each of these locations I would recommend the immediate appointment of a gentleman, in the strict sense of the word, of known humanity and enlightened mind, and, as a *sine qua non*, married to a wife, who would have to reside and be with him on those locations, as I cannot but strongly express my opinion that it will be perhaps even more by the example of such a lady, and by the relationship existing between husband and wife, that we may set a bright example to the benighted beings whom they will have to watch over and control. This functionary should have with him one other officer, to act both as the clerk and prosecutor of all offences,—as nothing is more anomalous and injurious in their minds than that the magistrate should be the prosecutor or maker-up of the cases which have to be brought before him for adjudication.

With regard to that large mass of Kafirs not aboriginal, I think the government could deal with them in two ways:—

Firstly, I would recommend that a liberty should be granted to such non-aboriginal tribes as the magistrate of each location would be willing to take into such location, if not over crowded by the aboriginals, and provided also that the consent of the leading men of the tribe within such location be first obtained in order to create a friendly feeling amongst them. But as I apprehend that this process would not have the effect of absorbing the whole of the non-aboriginals, I would further suggest the following plan:—

Secondly, I am informed, upon undoubted authority, that the

country situated between the Umzimkulu or Umsinkuluani and the Umtamfuna, is, and has been for years past, occupied by only 3 or 4 kraals, and is almost uninhabited, and if in consequence of the disturbed state of the frontier during the last six years some wandering tribes may be in occupation, it is, I believe, undoubtedly correct that the only native chief who has anything like a claim thereto is the Amaponda chief Faku.

I would propose that, as I am now informed by the chairman, that that country has since been actually ceded to Her Majesty, I would recommend that that District form a "native dependency of the District of Natal." That for some years to come no lands on any condition whatsoever should be granted in freehold or quit rent to any European, but that all those Kafirs who cannot be accommodated in the locations within this District, and not having aboriginal claims, should be there placed under the entire supreme authority of a Government Resident to be appointed for that dependency. Of course it would then become the privilege of such an individual to endeavour to work out a most interesting problem, in gradually settling down such a population, and in bringing them into a state of civilization, under good government.

And if that extent of territory be even insufficient, or if there be any difficulties with the Kafirs now settled on the northern and eastern sides of this District to remove to such a distance, I have yet to call the attention of these gentlemen, and of the government, to one of the most beautiful tracts of country to be found in this most beautiful part of Southern Africa, namely, that part situate from the mouth of the Tugela to the mouth of the Umhlathuzi; the whole of which country is bounded by a distinct line, the Umgoe mountains, and which country I visited in 1843, and found almost depopulated, the inhabitants having in that year fled into this country with the famous Mawa. That country, I am informed, is now still more denuded than it was then, and that Panda is ready to make cession of it if required by the government. All the tribes who originally came from there would be inclined at once to return to that country, and there in like manner the government might place another Government Resident to superintend those natives.

I anticipate no objection on the part of the non-aborigines to this measure, because they are, to a certain extent, aware that they are here only on sufferance, and the localities indicated are such that I cannot conceive any objection can arise.

Should they, however, object to removal, I would then adopt coercive measures by the employment of a military force similar to that employed against the petty chief Fodo in the year 1847, taking care also that such removals of Kafirs should always take place from the months of April to August of every year.

I am clearly of opinion that some ample and efficacious machinery should also be adopted for tracing and following up every native throughout the District, and I am still of opinion, that a measure suggested by me to the late Lieutenant Governor West, affords the most simple and efficacious manner of securing regular and per-

manent labor. My plan is this, that the moment the reduced system of locations adverted to by me shall have been carried out, that the magistrate in each of these locations should issue to every male Kafir of the age of puberty, a brass or other token, to be worn by him, containing either numerically or alphabetically, the name or number of the location to which he belongs; and that the issuing of these tokens should be accompanied by a general law declaring that every male Kafir found walking about without such a token should be taken up and treated as a vagrant. This will be at once a check upon the roving disposition of the Kafir, and tend to his being known or identified by the person employing him. The Kafirs belonging to the dependencies should have a similar token indicating that to which they belong.

I may add that having mentioned this plan to some native chiefs they stated their readiness to adopt it.

For the locations within the District I have roughly estimated that the expense would be about £4000 or £5000.

The dependencies, I think, ought to be self-supporting, but if they should not be so I think £1000 would be sufficient for each of them in the first instance out of the revenues of the District.

In my opinion there is nothing which tends more to retard the advancement of the natives than continuing the power of the so-called chiefs.

Referring to Blue Book of 1848, page 132, I have the opinion of the Diplomatic Agent and other members of the Commission, which I think is most important to the consideration of this question: viz.

"As before stated, the number of natives residing within the District has been estimated at 100,000, and we are inclined to adopt this estimate. Their universal character, as formed by their education, habits, and associations, is at once superstitious and warlike; their estimate of the value of human life is very low; war and bloodshed are engagements with which their circumstances have rendered them familiar from their childhood, and from which they can be restrained only by the strong arm of power; their passions are easily inflamed, while at the same time they have grown up in habits of such servile compliance to the wills of their despotic rulers, that they still show ready obedience to constituted authority."

"The native population within it is now no longer subject to such vicissitudes. It enjoys undisturbed the result of its industry, and is fast acquiring the only description of property it looks upon as real, viz., cattle and other live stock; but while it enjoys the utmost amount of protection which can be afforded to British subjects, it feels itself as yet subject to a very small, if any, of wholesome restraint. Its own chiefs, to whom, under other circumstances, a ready obedience would be given, are being disregarded, as gradually, by the operation of our laws, it is discovered they possess no constitutional authority; and thus, from the depths of the most cruel despotism, it finds itself suddenly raised to a position in which it would be considered a dangerous experiment to place even civilized communities.

"The natives' own laws are superseded; the restraints which they furnished are removed. The government of their own chiefs is at an end; and although it is a fact that British rule and law have been substituted in their stead, it is not less true that they are almost as inoperative as if they had not been proclaimed, from a want of the necessary representatives and agents to carry them out."

This shews that in 1847 the authority of the chiefs was at an

end, and I therefore agree with the evidence given by Mr. Potgieter, that this power would become dangerous, and ought therefore not to be continued.

As it might perhaps be dangerous to crush at once an authority which has, however, been lately increasing, I would venture to suggest the following plan for reducing it.

In each of these locations I should recognize no person as a chief except the European gentleman who is the Magistrate of the District. He should keep a record, both civil and criminal, as Resident Magistrates do of their proceedings. But he should commence with the natives in like manner as our forefathers. He as a magistrate should surround himself with some of the chiefs of the tribe under the name of Pakate, or Councillors who would in fact form a jury in deciding upon all civil and criminal matters. I would propose that at the end of every year in each of these locations, an election should take place by all those paying the hut tax, to form this council from amongst the petty chiefs or head men who may be found in the location. Their authority would thus be brought under the control of the magistrate, and thereby a stop would be put to any arbitrary act by a chief acting alone.

Having referred to the 28th Section of the Royal Instructions, dated 8 March, 1848, which has been proclaimed in this District, I am of opinion that seeing that any power which vested in the chiefs had ceased, according to the declaration of the Diplomatic Agent, in 1847, no additional power or authority was or could be conferred by the section in question, and therefore I would suggest that application should be made to modify the provisions of that Section, and this notwithstanding that these privileges have been communicated to the so-called chiefs.

I think this could be done without endangering the peace of the District.

I do not think the case of Sandilli to be apposite, as he was a paramount hereditary chief, in Kafirland, independent of our government.

I am also aware that under the system which the 28th Section of the Royal Instructions introduced, and notwithstanding the provisions of that Section, that several murders have been perpetrated in this District without having been brought before the proper tribunal for adjudication.

I am not aware of the circumstances of removal of natives from particular localities by order of the Executive Government.

I think that the removal of all the Kafirs now in the District to lands beyond the Umcoomas, if it were feasible at all, would be extremely detrimental to the interests of the country. I am of opinion that if this were done it would then indeed really deprive the country of the labor it possesses at present.

I am clearly of opinion that any law which enforced labor, even if accompanied by a guarantee of payment and good treatment is unjust in principle, directly in opposition to the terms under which Her Majesty adopted this country, and directly opposed to all hopes



of the civilization and improvement of the Kafir races, and that it would degrade the Kafir by introducing a system of serfdom which only belonged to the middle ages; nor was this measure even contemplated by the emigrant farmers when they submitted to me their resolutions of 1843, which will be found to contain no such proposition.

*By Mr. Bird.* I am aware that certain notices appeared in the *Gazette* inviting objections to the establishment of the native locations but I am also aware that these notices are very rarely if ever read by farmers, and I have been assured by parties interested, that they were unacquainted with the fact of their farms being included in locations, but I also know that Mr. Andries Pretorius objected to the formation of the Zwart Kop location, and he has assured me that this was one of the causes for his quitting the District.

I am not personally acquainted with the Impafana, Inanda, and Umzimyati locations, but I am aware that they contain within them formidable fastnesses, which are objectionable to be left in the possession of the Kafirs.

It is evident that emigrants recently coming into the country have to contend with the disadvantage of Kafirs disposing at a low rate of the produce of their own labor, but as a general principle I would not interfere with anything which might deprive those natives of any legitimate advantages which they obtain from their own industry. On the other hand, however, this is one of the great advantages which the natives derive from the vast extent of both the Zwart Kop and the Umlazi locations,—an advantage which they can now enjoy by changing constantly their arable lands without trouble, expense, or manuring; and this would, to a certain extent, be modified by reducing the areas of those locations as I have suggested.

*By Captain Struben.* I am not aware that the Kafirs have any advantage over the whites, except those vested in the chiefs under the 28th Section of the Royal Instructions, or by their own customs and usages. I should therefore be willing to see the abolition of any such usages and customs that do not bring them precisely on a par with others of Her Majesty's subjects.

I do not know what impression may have been formed in ignorant minds of the wording of the 28th Section, but I feel confident that every intelligent subject of Her Majesty will at once perceive that the object of that Section was merely not to interfere with the customs and usages of the natives amongst themselves without affecting the rights of Her Majesty's other subjects.

*By Mr. Otto.* I do not think that sending all the non-aboriginal natives out beyond the Umzimkulu without exception would tend to increase the number of laborers; I think it would render the labor question more uncertain than at present.

*By Mr. McFarlane.* I am not aware that any measures were taken to prevent the influx of Kafirs alluded to by Dr. Adams, in 1843, because there was no executive government at that time in the country. I am aware that there have been gradually remnants of tribes coming into the District during the last few years.

One of my chief reasons for desiring the reduction of the locations is, that I conceive their extent will be a source of great danger to the country hereafter, although at present I apprehend no danger.

I consider the question of polygamy to be a very difficult one to meet, but so long as under the Royal Instructions the Kafir usages and customs are recognized I fear it would be improper to interfere with this matter. In fact, I think that polygamy is nothing but a system of concubinage which existed in all heathen lands until the light of the gospel shone upon them. I therefore think that that custom cannot be interfered with until the natives are made christians, when, alone, they will be able to appreciate the blessings and obligations of the married state.

The inhabitants of the two dependencies would have to pay taxes, and be considered British subjects, but the taxes levied amongst them should be expended in each dependency respectively.

I think a man is no longer free who has not full command of his own labor and personal services.

*By Mr. Barter.* I believe that the 28th Section was not promulgated till 1849. I am aware that it produced considerable excitement, and therefore its promulgation was delayed.

The plan suggested by me differs from that proposed by Mr. Shepstone and others, so far as it relates to the aboriginals, chiefly in regard to size and extent of the locations. The formation of these originated with me, but I never contemplated that they would be made so large.

I feel perfectly satisfied that the expense of the plan suggested by me would be amply met by the Kafir tax as now collected.

H. CLOETE, SEN.

Pietermaritzburg, Nov. 3rd, 1852.

---

#### FOURTH MEETING.

*Thursday, 4th November, 1852.*

#### PRESENT,

The Hon'ble Walter Harding, Esq., (President.)  
 The Hon'ble John Bird, Esq.  
 Theophilus Shepstone, Esq.  
 Captain Struben.  
 Jos. Henderson, Esq.  
 John Moreland, Esq.  
 Abram Spies, Esq.  
 C. Labuscagne, Esq.  
 Solomon Maritz, Esq.  
 E. Potgieter, Esq.  
 F. Scheepers, Esq.  
 Dr. Addison.  
 W. McFarlane, Esq.

P. A. R. Otto, Esq.

J. N. Boshof, Esq.

The minutes of the preceeding meeting were read and confirmed.

Mr. Cloete read the evidence taken in his examination yesterday in Dutch, for the benefit of the Dutch members of the Commission.

Mr. Boshof requested that a document of the Volksraad may be laid before the meeting.

Mr. Moreland proposed that the evidence of each party shall be submitted to him for perusal prior to his affixing his signature.

The President put the question. (Carried unanimously)

Mr. Moreland requested that proceedings of Land Commission may be laid before the Board on account of certain matter therein which may be useful for consideration now also that any other document bearing on the native question may be laid before the Board.

The President read the 9th section of the Instructions to the Commission on this head, remarking that any member of the Commission can apply through the Secretary for any documents he may require, which will be immediately supplied.

Mr. Henderson moved that the question and answer in taking evidence, be both entered on record and each question numbered by the Secretary.

The President explained that this mode would cause great delay and that it would be impossible for the Secretary to proceed with the work if this were insisted upon. This way of taking evidence was sufficient in judicial proceedings involving life and death, why should it not be so in this Commission?

As to numbering, a reference could be had by referring to pages

The President put the question on Mr. Henderson's proposition.

Mr. McFarlane proposed amendment by a current number at each answer.

Not carried (unanimously.)

Mr. Cloete's examination proceeded with and concluded.

The President laid upon the table a letter from Mr. J. O. Boshof, and proposed that Mr. Boshof shall be examined.

The letter was read and translated by Mr. Zietsman.

The President proposed adjournment of meeting at 3 o'clock, and that the Commission should proceed tomorrow (Friday) at 8 o'clock, with the examination of Messrs. Scheepers, Maritz, Labuscagne, and Spies.

Meeting adjourned till tomorrow Friday at 8 a.m.

EDMUND TATHAM,

Secretary.

Examination of the Honorable H. Cloete, continued.

Thursday, 4th Nov., 1852.

*By Mr. Scheepers.* I think I have already stated that the lands beyond the Umzimkulu and the Tugula are so rich that there

would be no objection on the part of the Kafirs to move thither, but if there were, I would enforce the measure by calling out a military force, as was done before.

The removal should not be agitated until we are certain of a sufficient force to carry it out.

I recollect hearing that in 1841-2, an order was given by the Volksraad to the Kafirs to remove beyond the Umoomas, but I am aware that it was not enforced, and I also think that Commandant Rudolph was opposed to it.

I do not think the locations have been surveyed.

*By Mr. Maritz.* My impression is that both Pakade and Job were intruders or refugees, and not aboriginals.

I have not personally inspected the lands allocated to Job and Pakade, still I know there are some rugged spots in them which ought not to be inhabited by Kafirs, therefore smaller locations, such as those alluded to by me yesterday, are preferable.

*By Mr. Spies.* I am decidedly of opinion that the small locations will tend more to the civilization of the natives than the large ones, the result of which is problematical.

I am decidedly of opinion that the small locations contemplated by me will not tend to endanger the District, but, on the contrary, if carried out, as contemplated by me, will tend to its safety. Besides, I would consider it unjust in principle to dispossess aboriginal natives of their lands to which they have a better right than we have; and by huddling them together, out of their own country, would only give them an additional cause of grievance.

There is no doubt that the difficulty of removing Kafirs has increased ten-fold by the delay which has taken place in grappling with the question, still I think that upon its being properly explained to the aboriginal natives that it is in respect of *their aboriginal claims* that land has been awarded to them, they will take it as a boon rather than as a grievance.

I confess that I anticipate no danger from the measure of removal, inasmuch that I consider that if the measure proposed be carried out with judgment and discretion none will arise.

I have already stated that I am by no means wedded to any particular location, as at present existing, but that the locations suggested by me should be selected out of them, or from other disposable Crown Lands.

*By Mr. Moreland.* With reference to my statements in Nov. 1843, I had only in contemplation the coast line and the vicinity of this town, and not the Klip River. I have no reason to change the opinions expressed in my letter dated 10th August, 1848,—page 40 of Blue Book, 1850,—that the aborigines consisted then of about 13,000.

I became aware in 1843, that a large influx had taken place of Kafirs from the Zulu country. The whole of these I considered to be without chiefs, though I was aware they were under Captains of Kraals when under Panda's authority. I consider it extremely important in answering any question as to the chieftainship over

any natives, to weigh the exact definition that should be given to such a word. By using, as I conceive, in Her Majesty's Instructions and other places, the term of "chiefs," I would consider that those persons alone are entitled to that denomination who, by hereditary descent or otherwise, had exercised undoubted authority over independent tribes, or nations, but that it is a mis-nomer to apply that term to petty persons, who, either during the distressed state of the times, or by their own daring, assumed to themselves authority over certain kraals,—and of this I can afford a striking illustration. Having been informed in December 1843, or January 1844, that many thousand Zulus had collected in the territory between the Tugela and Umgeni, I called a meeting of all those styling themselves chiefs, at the station of Mr. Grout, and some 30 or 40 of these so-called chiefs there assembled, and on interrogating their leading men (amongst whom particularly one Kofyan was distinguished) I was led to believe, through the interpretation of Samuel Young, my interpreter, that several of those were really acknowledged chiefs; but after the meeting had broken up, the Rev. Mr. Grout, who understands the Zulu language thoroughly, informed me that the interpretation would, in fact, mislead me,—that these persons, as it were ironically, designated Kofyan as a chief, but that he and almost all the others were no more than small captains of kraals, under whom some families had ranged themselves.

I regard the aborigines as having a claim upon the Crown, and not the refugees.

I consider that the grounds upon which the Home Government may have heretofore disapproved of a similar plan to that now proposed by me, to be removed by the cession of Faku of the country between the Umzimkulu and Umtumfuna to this government.

Having stated in my examination yesterday that I entertained some fears of danger at some distant period from so large a mass of Kafirs being brought into such extensive locations, I however added that I apprehend no immediate danger now, nor indeed for some time to come,—my only fear being that these locations are so extensive as, if once carried out and established, to render inevitable the consequence that some 800,000 to 1,000,000 Kafirs will acquire, thereby, a legitimate right of living within these locations, in the midst of ourselves. But I feel it equally my duty to state that as far as the *present* generation is concerned, I do not believe that the history of man affords a parallel to the unprecedented security, both of life and property, which the Europeans have possessed during the last ten years; for although no doubt crimes and atrocities have been committed amongst themselves, yet such has been the respect of the Kafir towards the white man, that there is, I believe I may venture confidently to assert, not *one* single instance during the last ten years, of murder, or an attempt of murder, on any white man within this District: not one single case of that nature has been brought before the District Court during the past seven years, nor have I even heard of one, and although, also, the innate propensity of

the Kafir to acquire cattle, may have led, during the last seven years, to an occasional act of theft of that nature, I believe the instances to be exceedingly rare,—only two or three having been brought before the District Court for trial, and I firmly believe the inhabitants generally are far more secure in this description of property in the present day than they were in 1843, when that resolution was submitted to me by the Volksraad.

I confess (if I may venture to use the expression) I do not conceive the Kafirs, generally speaking, to be sufficiently “ripe” to allocate any land to them by way of title, or freehold, or quit-rent. It is quite clear, however, that I by no means call in question the right of any Kafir, like any other of Her Majesty’s subjects, making purchases of land as of any other property.

I am of opinion that in those locations *within* the District, no lands, or subdivision of lands, should be given in freehold or quit-rent to any European. That a right of entering in, or residing on, those locations should be granted by an annual license, to be issued by the Resident Magistrate of the location, dependent on good behavior, and liable to be called in on good cause being assigned. A marked distinction should be made to clergymen and schoolmasters, who should receive every encouragement and support from the government, and be supported by the public funds for that purpose.

With regard to the Zwart Kop location, I made a very minute enquiry in 1843, and was perfectly satisfied that if there were any natives who had kept possession of their own territory it was Mappingaan. I found that old chieftain peculiarly wedded to that his native soil. I therefore think it would be wrong to remove his immediate descendants and tribe; he is since dead. With regard to the Umlass station, I was satisfied on enquiry from Dr. Adams, that there also were two or three aboriginal chiefs, whose names I now forget, whose rights should also be respected.

I have no notion why any suggestions sanctioned and directed to be carried into effect by Earl Grey in his despatch, Nov. 1849, Blue Book, page 195, were not carried out by this government.

*By Mr. Shepstone.* I have visited the Umlass location, and the lands between the Umlass and Illovo to a considerable extent. I have passed through and visited several parts of the Umvoti location, and have visited thoroughly the Zwart Kop location, but of all the others I have had but a distant and imperfect sight. I should, however, add that sometime early in 1844 some petty Kafir chieftains called upon me, as Her Majesty’s Commissioner, and requested that a particular plot of ground called the Zambeeti might be granted to them as a location. I accordingly inspected minutely that locality, and reported my proceedings to the government, in a letter dated 14th March, 1844, an extract of which is given in the Blue Book of July 1848, page 67. That spot appeared to me an extremely desirable one for a location. Its site was expressly asked for by these chieftains (12 or 14 in number), and I had therefore hoped that it would have formed one of the locations, but I now find that it forms

but a small part of the Umvoti location, calculated at about 200,000 acres.

"Its situation is one of awful grandeur and sublimity, surrounded by precipitous crags and mountains: it is only accessible by foot-paths, and even these can hardly be used by persons on horseback; but the valley or valleys below are beautifully wooded and well supplied with water from the rivers Umvoti and Slambiti. These streams unite at the lower end, and continue to extend those valleys until they are further closed in by a mountain range to the southward. The whole extent of these valleys united is not less than 25 or 30 miles in length, varying in breadth from a few hundred to a thousand yards. The country is not occupied by any of the emigrant farmers, and I can hardly conceive a more favorable situation for locating from 8000 to 10,000 Zoolahs under the charge of a responsible officer appointed by Government, who could easily superintend and control them."

I recommended that locality both from its having been expressly applied for as from finding on inspection that it is a country so secluded from all the surrounding District as to prevent a possibility of any clashing of rights between them and any farmers in the vicinity; I would still strongly recommend this location for the consideration of the government.

I do not think it includes one of the fastnesses to which I have alluded, because I am confident a corporal's guard of ten men might keep in control many thousands of Kafirs who might be found in that locality.

The inspection of the country will shew that it forms a basin completely surrounded by precipitous crags from 500 to 1000 feet in height, rendering it physically impossible for any inhabitant below from coming out except by one or two passes which might be protected as I have said by a corporal's guard.

I am not aware what may be the extent of the habitable portion of land contained in the Umzimyati, Inanda, and the other portion of the Umvoti locations.

When I stated yesterday that the locations contained the best part of the land in the District, I referred pointedly to the Government Notice of March, 1847, which proclaimed the Umlass, the Umvoti, and the Inanda locations, and I did not refer to the northern locations. But the Zwart Kop location contains within it also as good land as any in the District.

I do not know if any boundaries have been declared to the Umlass location.

I believe the area of the District is computed at from 10,000,000 to 12,000,000 acres, but the boundaries are not now correctly defined to the north and west.

It is a difficult question to state what portion of acres should be allotted to Kafirs, per head, or indeed to anyone; this so entirely depends upon the capability of the soil, and the industry of the inhabitants, but I should say, having considered this question very fully, that each of these locations as suggested by me, if taking in lands of the quality which I also suggested, would support, in round numbers, of from 4000 to 5000 natives on each location. I allude to the small locations, provided they contain good land and are brought into proper cultivation.

That would be about five acres to each individual.

In round numbers I should say the number of white people in the District is 10,000, but I have no correct data for this conclusion.

I am of opinion that the 2,000,000 acres which I stated the locations would embrace, if permanently vested in the Kafirs will give them the possession of tracts of country in which nearly a million of natives will eventually find subsistence, while I am equally of opinion that the lands already granted to the white population could maintain upwards of 1,000,000 of inhabitants if these lands were brought into good cultivation; my deliberate opinion being that the area of this District, taking into consideration the fertility of the soil and its adaptation to agriculture, will easily maintain from two to three millions people if properly brought into a state of agriculture.

I am of opinion that there is sufficient land to accommodate all the Kafirs within this District, and for a vast accession of Europeans.

I do not wish to have it understood by my examination of yesterday, that I recommended as of necessity the removal of the non-aboriginals out of the District; that I have only felt it my duty to urge what I conceived to be the rights of the aboriginal natives, suggesting that within those locations such as are non-aboriginals should be placed as would be received under the sanction of the Magistrate and with the consent of the people, which naturally would put an end to the existence of the non-aboriginal tribes upon the present locations. My opinion being that no Kafirs whether non-aboriginals or otherwise should reside within the District, except in those locations and in the service of Europeans.

I conceive that to a great extent, the deficiency of the labor market at this present moment arises through these enormous grants of land as locations, encouraging that pastoral life which is opposed habits of industry and agriculture, and thus prevents those persons who thereby acquire such ready means of affluence, and can thus indulge in ease and indolence, from entering into what may be called the labor market. I feel equally assured that the reductions of locations to such extents as will drive them to industry and agriculture will thus also hold out the inducement for them to enter upon service by the reduction of these locations.

I contemplate hereby effectually to check their propensity to acquire large numbers of cattle and thereby requiring them to go into service or to cultivate the soil.

I believe, altho' of course I have not the means of information possessed by the Diplomatic Agent of tracing the pedigrees of the chiefs, that I may state the simple fact, that I believe it to be the case, that these aboriginal tribes that we have here, have at all events some persons amongst them who they regard as their hereditary chiefs.

I certainly would be indisposed to extend in anyway the privilege or powers of any chiefs as such; while I therefore would restrict the existence of a chief as connected with his immediate tribe as already stated, to the uttermost bounds, I would most decidedly



oppose his exercising that authority over tribes, over which he had no hereditary rights.

I do not consider that by allowing the chiefs in the small locations alluded to by me, to take in a small number of the non-aboriginals that they would thereby acquire any authority over them, on the contrary my suggestions would be that any of the non-aboriginals entering into such locations should recognize no other authority except that of the Resident Magistrate of the location.

The great principle laid down by Her Majesty's Government at the adoption of this territory as one of her dominions, was that the actual *bona fide* occupation of land should be the test of the right of the party whether he be an emigrant or a native, *that* was the test which as Her Majesty's Commissioner, I was directed ever to have before me in recognizing any title to land; I am therefore of opinion that if there does exist any tribe which having been once aboriginal, has been driven out, and has since the assumption by Her Majesty's Government again wished to return to it, that it cannot of right claim any land, but can only expect to be treated with that favor which the Government would always exercise. I should not regard such as having aboriginal claims.

I do not contemplate making the dependencies at first entirely independent, but on the contrary merely a native dependency on this district.

*By Mr. Boshof.*—I do not recollect having understood from any member of the Volksraad or others residing in this town in September 1843 whether there were any reasons for not touching upon the native question, as I had stated generally that I requested their opinion on every matter. I received, I think on the same day (6th September) a long statement with the resolution now put in containing their suggestions on all matters except upon native questions I also replied to but separately.

I do not recollect the reasons assigned by the Volksraad for not carrying out their proposal of removing the Kafirs beyond the Umcomas.

I consider that it would have been a very hazardous measure for the Volksraad to have directed the expulsion of all natives from this District, considering the position they were then in with regard to the English.

My deliberate opinion is, that the Kafirs at present dispersed throughout our District are so sensible of the just and mild rule under which they are placed, and that they are so disunited in their own immediate interests, and have so many petty jealousies amongst themselves, and in fact that each tribe by itself is so utterly powerless, that I seriously apprehend no danger whatever for sometime to come.

There can be no doubt that if by some gross act of tyranny upon the whole native population they may be raised, they certainly might unite and so far put this settlement in such danger, but I do not anticipate such a state.

It would be a nice question of moral philosophy to pronounce

upon the innate feelings of a semi barbarous or uncivilized nation or tribe, for altho' no doubt brute force is the most efficient means of keeping them down and thus to act upon their fears ; yet I trust there is in human nature, even when unenlightened, a feeling of gratitude towards their benefactors.

I have not the slightest doubt that if the application of het Volksraad made to me in the memorial of 4th September 1843, and strongly recommended by me for the consideration of Her Majesty's Government with certain modifications had been attended to by granting this District, a more popular legislative government, than they have hitherto enjoyed, that this important subject would long since have been set at rest.

The two great objections which I feel to a bodily expulsion of the whole of the Kafir tribes without exception beyond our Frontiers is, that we would thus at once form them into a very dangerous and powerful enemy in our immediate vicinity ; but in the 2nd place very great objections are connected with the necessity which I am convinced that every person in the District is, in being dependent upon Kafir labor, and should they all be bodily removed from our boundaries not 1-10 part of our Agriculturists would be supplied with labor at all, or they might be in a single night deprived of all the value of their labor without any chance of redress.

Nothing is so injurious to the country as anything like a squatting system which should be suppressed most effectually.

The natives dissatisfied with small locations would go to the dependencies.

There is no doubt that those tribes located in the vicinity of towns would have considerable advantages in the sales of their produce unless induced to labor for Europeans.

*By the President (Mr. Harding).—*Should the dependencies I have alluded to be attacked by a foreign power, I expect this government would assist them, and of course this government would be liable for the expense of such assistance in the first instance.

I think I could suggest practically how these locations might be filled up : Beginning with the Zwart Kop, I would direct a survey to be made to an extent between 20 to 24,000 acres adopting some natural boundaries which I would call the "Zwart Kop Location," I would then expect that the Diplomatic Agent with his knowledge of the language and people should carry on an enquiry over the whole of the present Zwart Kop location of all such families as upon hearing evidence before him he is satisfied to be the descendants from the aboriginal Mapingaan and his followers or tribe. Those I would immediately furnish with a proper certificate attesting the result of the enquiry and allowing those to select spots in the 20,000 acres where they might wish to settle. Having disposed of them I would suggest, that the Diplomatic Agent should then take a list of all others now living in the 61,000 acres, which do not come under the category of aboriginals ; And that, to the chieftains or head men of the aboriginal tribes should then be submitted the question ; whether in this reduced location they will take in any of those

who have been in the location heretofore, but have no aboriginal right: Upon obtaining their consent, I would also furnish those favored parties, with certificates entitling them to remain, giving notice to the remainder that they will be subject to be placed by the Government elsewhere hereafter, on such lands as may conduce to the welfare of the District; the Magistrate should then take a census of the aboriginals and another list of those who, by the consent and concurrence of the chieftains have been taken into this reduced location; in this manner I would begin and carry out all the changes recommended by me at the other locations. When the Diplomatic Agent is to hear evidence for this purpose, he should simply give a notice that every party, or head man, or tribe, claiming to be aboriginal, should prove his descent before him at a given place and time.

I have had for some years past no means of estimating the native population but I have heard it estimated by good authority at from 110,000 to 120,000 souls.

I would not treat the natives walking about the country with badges, as vagrants; but only those without badges.

The location upon which I found Dr. Adams in 1843, was given to him by the Volksraad as a Kafir location, and I have in my possession the inspection report of that piece of ground, on the part of the Volksraad, stating that this was inspected for a Kafir location not to exceed 5,000 morgen or 10,000 acres. I believe it was done more with a view of encouraging Missionary labors than anything else.

I have by me and can produce Lord Stanley's first despatch concerning the taking possession of this country; it bears date December 1842, I think the 23rd. Upon that despatch my instructions were framed, in May 1843, which I can also produce, and in those instructions I was directed to fix provisionally the boundaries for this District of Natal, with a general instruction to restrict it to as small an extent as was proper, bearing in mind that there was no disposition on the part of Her Majesty, to claim so large a portion of land as this colony; but by the treaty made in June, 1842, by my brother Col. Cloete, military possession was only taken of this country up to the Berea until the arrival of a Commission which had been asked for.

I am aware that a very stringent minute was published from the Privy Council in the early part of 1850, expressly forbidding any persons in authority in the colonies from declaring or assuming authority in Her name, of any lands adjoining any colony whatever, expressly declaring that they had no such authority, and repudiating such acts if they were to take place.

My opinion is that if the suggestion of the Commissioners for locating Kafirs as to extending the locations had been carried out to the letter, the foundation of great evils would have been laid. I think it is as well they were not carried out.

H. CLOETE, Sen.

Pietermaritzburg, 4th November, 1852.

## FIFTH MEETING.

Friday, 5th November, 1852.

## PRESENT.

The Hon. W. Harding, Esq., *President*.

The Hon. John Bird, Esq.

Captain Struben.

O. Labuscagne, Esq.

Chas. Barter, Esq.

W. Macfarlane, Esq.

Fredk. Scheepers, Esq.

P. A. R. Otto, Esq.

John Moreland, Esq.

A. Spies, Esq.

Solomon Maritz, Esq.

Evert Potgieter, Esq.

Theophilus Shepstone, Esq.

Dr. Addison, Esq.

J. N. Boshof, Esq.

The minutes of the previous meeting were read and confirmed.

The examination of Mr. F. Scheepers commenced and concluded.

The examination of Mr. S. Maritz commenced and concluded.

The examination of Mr. C. Labuscagne commenced and concluded.

The examination of Mr. Abram Spies commenced and concluded.

Mr. McFarlane proposed examination of Mr. Dewald Pretorius.

The examination of Mr. D. Pretorius commenced and concluded.

Mr. President adjourned the meeting at 5 o'clock, and moved that the Commission proceed with the examination of Mr. Theophilus Shepstone at 9 o'clock tomorrow, (Saturday.)

The meeting was therefore adjourned accordingly.

(Signed)

EDMUND TATHAM,

Secretary.

*Frederick Coenraad Scheepers*, one of the commission called on and examined.

*By the President*, (Mr. Harding.) I came to this country on 1st July, 1839.

I now reside at Moei River.

I am acquainted with the Kafirs on the Frontier of the old colony—born and bred among them.

I did not arrive with the first emigrants.

I have heard the three plans proposed by Captain Struben, Mr. Potgieter, and Mr. Cloete. I partly agree with that of Captain Struben, and to a certain extent with that proposed by Mr. Potgieter.

I agree with Captain Struben in so far as he proposed to move the Kafirs beyond the Umcomaas, but I would propose removing *all* the Kafirs, both aboriginal and non-aboriginal, beyond the Umzimkulu. I would do this for our own safety.

I would then abolish the present locations altogether; this is not only my opinion, but the opinion entertained by all my countrymen at Moei River.

If the Kafirs were to refuse to move, I would then suggest that the go-

vernment should leave the matter to us, if it could not afford us protection, and provided also the government would allow us to seek assistance wherever we like.

I would recommend the government reducing the boundaries of the District of Natal to the Berea bush, provided they left the country now included within the boundary, to our government.

I think this measure would tend more to the advantage of the country, than the state in which it now is.

I am not acquainted with the Kafir laws.

I think if all the Kafirs were moved beyond the Umzimkulu, that there would be more labor procurable than at present, because it is known that nearly all Kafirs in service come from a distance.

*By Mr. Otto.* I think that as the British government took possession of this country when it was in good order, they are bound now to afford us more protection.

I am clearly of opinion that as the matter now stands, it would be in the power of the Kafirs in one night to over-run nearly the whole of the country.

I would like to inform those gentlemen of the Commission, who from their recent arrival in the country, must be ignorant of the Kafirs, that the same results as regards the Cape Frontier and the Hottentots, will arise in this country.

I would relate what occurred between myself and a Kafir chief in conversation, not that I mean to say it is true, but it may be true. This was in 1839. This chief asked me if I was acquainted with Dingaan and Panda; I replied that I was not—it was at the time when Panda had fled from the Zulu country; he told me we would see that there would be constant removals from the Zulu country with cattle, under the pretence of flying from the Zulus, and that we would be expecting the Zulu commando from the other side of the Tugela, but that we would find that the commando was amongst us.

I would put it to the members of the commission who are acquainted with the matter, whether it would be necessary for Panda to send one man to destroy us, inasmuch as his army is already amongst us. This is proved by the fact that when Panda's captains were here, Kafirs from Port Natal, and other parts of the District, travelled considerable distances in order to go and dance before them; this occurred at the time when Panda's chiefs were detained here for so long a time last year.

I think it was an unwise step on the part of the government, to detain those captains here for such a length of time.

We are now glad that the government have given us an opportunity to present our case in its true light; that we have made many memorials during the last year, and signed by some 200, and others by 300 men, in accordance with the opinions expressed in my evidence, and no answer to these have been given, and I hope that the government will now hear us, or take notice of our evidence.

The protection that this country requires from the government is cavalry, for infantry are of no use.

I am of opinion that if upon the refusal of the Kafirs to remove, it became necessary to incur expense, and to assemble a force, that even if the Kafirs should then remove without coercion, still they should be punished for having refused originally. I think that a good punishment would be to

take from them and apprentice for periods, say 5 years, all boys between 10 and 15 years of age.

*By Mr. McFarlane.* I am of opinion that if the removal of the Kafirs is left to the people, they should be removed in one body, but if the government will do it, and give us protection, it might be done by degrees.

I am of opinion, from expressions used by Kafirs, that they were more satisfied and obedient under the government of the Volkraad, than they are under the present government.

I can name a Kafir chief (Assegai,) who will corroborate me in this.

The institutions formed by the emigrant Boers were done away with in 1843.

From this date, the country, in my opinion, has become more and more insecure.

This arose in consequence of the Kafirs being placed under the same law as ourselves, by which they can do or omit to do just what they like.

I think it right to inform those members of the commission not acquainted with the matters, of the result of the abolition of the Dutch laws and institutions in the old colony, which existed from 1806 to 1828. Six months after this took place, the prisons of the Cape colony became filled with Hottentots, slaves and Kafirs.

Before this, when the old code of justice took its circuit, as the judges do now, it was considered a great number if there were 4 or 5 criminal cases at Uitenhage were I resided. Whilst afterwards there have been as many as 40.

I do not see how the difficulties now existing can be removed, under the present system of government, and if the Kafirs are not removed.

I think that our present form of government is a bad system of government between black and white.

I think that free institutions, giving the people the management of their own affairs, would be of great advantage. If the government, when they took possession of Natal, had consulted the Boers, the difficulties which I have mentioned, would not now have existed.

But no Boer had any voice in the government, and the government, functionaries were nearly all unacquainted with the country, from which the Boers are now suffering.

I would approve of a system of government which gave the people a voice in the government.

If I did not think that this would be an improvement, I would not have proposed it.

The Boers emigrated from the old colony in consequence of the oppression by Hottentots and Kafirs, and of a want of confidence in the government. The latter arose in consequence of our having been plundered of nearly all we possessed in 1835, and we were told that if we assisted in carrying on the war then going on, that our losses would be made good, which was not done. I got £36, out of £343, which I lost. This was the feeling of the Frontier inhabitants.

One of the reasons which led to the emigration from the Cape Colony was, that black and white were subject to the same laws. When this was introduced here it produced emigration to the Sovereignty and beyond the Vaal River.

I do not think that the same law will restrain a savage man, which will restrain a white man.

No white man is allowed to injure the Kafir in life or property, in this District, but the Kafirs steal from cachother.

I see that the Kafirs under the present system are becoming rich, and living in peace and security.

In return for this protection, I would consider it just and reasonable in government to expect a return from the Kafir, in taxes and willingness to work.

I think it would be just and good if a Kafir refuses to work, that the law should be that he is to leave the country.

I do not consider that such a law could be in any way characterised as slavery.

The Kafirs should be obliged to go decently clad.

My opinion is that it is of no consequence where the government places the Kafirs, provided the Kafirs are removed; the danger in either placing them at Buffalo or Umcomaas, would be the same, as there are other natives near, both with whom they might take common cause, or makewar.

I know that the southern and eastern parts of Africa are better for European constitutions than the northern and western.

I should leave it to the Government to choose where they should place the Kafirs, so long as they remove them from amongst ourselves.

It is my feeling that the government would do well to restrict colonization by Europeans to the southern and eastern portions of South Africa, the northern and western being unsuitable for them.

If the displacing of the Kafirs depended upon ourselves, I should say would be fitter to send them towards the northward.

One of my reasons for the last opinion is, that as colonization by Europeans may possibly extend over the eastern and southern parts, it would be necessary to displace the Kafirs again at a future period if placed to the southward.

If Panda remains in his present disposition and heeds the orders of the government, then in my opinion, the Kafirs whom we remove will be as safe as they are now from molestation by him. As I do not see why Panda, if he had any wish to hurt these Kafirs now could not do it.

*By Mr. Barter.* I am of opinion that white and black men cannot live together in peace in the same country, unless the black man is in a state of subjection to the white.

As far as my experience goes, the residence in the same country of white and black does not tend to diminish the latter in respect of generation.

In my opinion, if a line were drawn defining the country inhabited by whites, I would have all the blacks removed beyond that line, except those who would remain as servants to the whites.

I have always been used to see the Frontiers protected, and I know of no circumstances existing here that should dispense with such protection, I mean protection by the government.

*By Mr. Bosshof.* The equality of the laws instituted for whites and blacks was not the only reason of the Emigration of the farmers from this country to the Vaal River, the principle reason was their disinclination to be subject to the British Government at all.

One of the reasons of this disaffection was that when the British Government took possession of the country, they took possession of all munitions of war. Gunpowder, lead, &c., leaving the European inhabitants very defenceless. This was in 1839, when the first troops were sent here. All these munitions were since returned.

Another great reason of disaffection was that at the coming of Mr. Commissioner Cloete, it was made a rule that persons should retain only those farms which they had occupied for a year before his arrival, now

this occupation was in a great degree impossible, since the Dutch farmers had to live in Laagers and to be near each other for protection.

A further reason was that the farms had to be registered, and that after registration, a great number of their farms fell into Kafir locations.

I may give as an instance which I am prepered to prove, this very day, that the registered farm of Nicolaas Smidt is for a greater part included in a Kafir location, the boundary line passing by his very door, I was present when he complained to Sir H. Smith, I stated that he would be obliged to abandon his property. The matter remains unredressed at this hour, and numbers left the country.

When I said that the farmers who left this District were opposed to the introduction of a law establishing an equality between white and black, I did not mean to convey the idea, that they were opposed to an equal right of protection on the part of the blacks for life, property, and other privileges, which the laws justly secured to them.

With the exception of a small location under Dr. Adams, I am aware that the Volksraad were averse to having locations intermixed with the white population.

It was at all times the wish of the Emigrant farmers that the natives should be removed to one side. The inhabitants generally never believed that the Government would remove the Kafirs, from amongst them, this was the origin of the numerous memorials praying that they might be removed from amongst us, or that we might be protected.

I know that those who had experience on the Cape Frontiers predicted that a state of insecurity would similarly arise here, and I may state it as my own feeling and that of the Dutch inhabitants generally, that if protection is not afforded to us or the blacks removed out of the District, the Dutch farmers will pack up their Title Deeds and leave the country within a year.

I have grave reasons for saying this, I shall only speak of things done by Pakadi, and which I know of, he being my neighbour. About a year ago, (rather more) a body of Pakadi's Kafirs (about 200 in number), made a tour thro' part of the District of Weenen armed. They alarmed the women at those farm houses that they went to, who fled into the bushes for safety, their husbands not happening to be at home. Mr. Kritzinger applied to the Field-cornet for protection, who informed him that he could give him none, Mr. Kritzinger then addressed me and I forwarded this letter to the Governor, I am not aware that up to this hour any notice has been taken of the offence.

The general bearing of the Kafirs is greatly changed for the worse within the last few years. This I have heard from others as I have no intercourse with them myself.

Formerly it was a tolerably frequent custom for the Kafirs to salute a white man if he happened to meet him, now this is very rarely done.

I think it absolutely necessary for the safety of the District, that all locations should be removed, but I am of opinion that with-



out proper preventive measures of defence, the locations would be filled up anew by refugees from Panda.

Owing to the little confidence that can be placed in the Kafirs, I think it would be safer to leave the locations wholly unoccupied, than to detain a Kafir population in them under restrictions or laws of any kind, whilst a want should exist of a sufficient power to enforce those laws.

*By Mr. Potgieter.* In speaking of removing the native Kafir population beyond the boundaries of the District, it was certainly not my meaning that all Kafirs without exception should be removed. I did not mean to speak of those who would remain amongst us as servants, but I alluded to the Kafirs being left in locations.

With respect to aboriginal natives no reservation was made in the cession of this country by Dingaan to Retief.

I don't see that aboriginal natives have any claim to the land, they might remain amongst us if they would remain as servants, and they might have a small location on the understanding that they remain as such, but not otherwise.

I would remove Zikali as well as the rest. I don't wish to impair my evidence by any concession, but I yet would not object to see those aboriginal natives, who have claims, left in the District provided they would be our servants.

*By Mr. Spiess.*—I cannot notice any advance in civilization amongst the Kafirs since the year 1843.

I think that civilization would advance more rapidly amongst the Kafirs, if they were placed in small locations under Magistrates.

I do not see that it would be an oppressive act to remove the Kafirs to a country where they might have land for tillage and pasture as well as here.

As I before said the only location meditated by the Volksraad was the 5,000 morgen under Dr. Adams.

Immediately after the arrival of Mr. Cloete, I returned to the Mooi River, and I know nothing of any meeting of the Volksraad at which the resolutions produced yesterday were past.

*By Mr. Moreland.*—I do not know how many Kafirs there were in the District when I first came into it, Dr. Adams informed me that there were between 10,000 and 11,000.

I cannot say whether Dingaan possessed the country by conquest or by hereditary right.

There being no exception expressed in the cession by Dingaan to the Dutch, I do not think that the native inhabitants or aborigines have any right to the soil.

There would be no greater danger in the event of our removing the Kafirs from the District of their rising against us, and being joined by Panda's army, than if we leave them to rise in their own good time.

I believe from hearsay that there is still a great influx of natives

going on in the District, in order to prevent the locations from being re-occupied after the natives shall have been dislodged, the Government ought to fill them up with a white population to whom grants should be made.

I have no knowledge of any Kafirs leaving the District.

My meaning with regard to the form of Government of this colony was that the people should have a voice in the Government.

I can prove by letters received from my relations and also from the newspapers, that if security was afforded against the Kafirs, and labor provided, many of the Dutch farmers who have left the District would return to it.

The only feeling of the Dutch Boers against the Government arises from the want of good government of the natives, and their being placed upon a par with white men.

It is my opinion that it would be in vain to take any steps to abolish polygamy amongst the Kafirs.

I am of opinion that the present position of Kafir women differs nothing from the very worst slavery. A slave would have his daily task, and that being at an end, he would have rest, but a Kafir woman after tilling the ground and raising the crop, would still have to carry it everywhere. I may mention two instances of Kafir women who were bound till their fingers dropped off, because they refused to accept of a husband who offered for them, and they remained bound until they accepted these husbands. These two women are now living on the farm of Mr. Jan Boshof at the Mooi River.

I think that the Magistrate in my Division does even justice between white and black. I speak of Captain Struben.

*By Dr. Addison.*—I would treat Kafir Apprentices with all humanity.

There may be exception, but as a general rule it is certain that young Kafirs would be treated on a par with their masters and children.

F. C. SCHEEPERS.

*Salomon Maritz*, one of the members of the commission called in and examined.

I am Field Commandant of Klip River.

I came to this country in the year 1838.

I have paid much attention to the affairs of this District in general, and to that of the natives in particular.

I generally agree with the propositions of Mr. Scheepers, that is to say, I would make a distinction between the aboriginal and non-aborigines.

I would retain the aboriginal natives in the District, and only move the non-aboriginals out. But I would still move the aboriginal natives from amongst the white inhabitants.

*By Mr. McFarlane.* I would not move the aboriginals out of the District, because they inhabited it when we came here. I would not consider it unjust to remove them, but I would not do so, because they

were here when we came, and when we were at war with the other natives they assisted us.

*By Mr. Barter.* I think it would tend more to their advantage if the females were apprenticed as well as males.

I do not consider that any feelings of gratitude for kind treatment exist among the Kafirs.

From my experience of the Kafirs, I am of opinion that there is no mode of dealing with them except that of compulsion or severity.

*By Mr. Scheepers.* I think that Mr. Lindley and others would be able to distinguish between aborigines from others.

*By Mr. Moreland.* I am of opinion that the measures proposed in reference to the Kafirs will tend as much to their own advancement and civilization as it will to the benefit of the white men, because I consider by removing them to a distance from the town they will not grow more mealies or other crops than are absolutely necessary for their use. That this will be accomplished without the aid of so many women, and thereby prevent them from obtaining so many wives, and then they will send out their young men to work to obtain money to pay their taxes and by blankets and beads. There is not a single young Kafir who after having been in the service of a Boer 3 or 4 years cannot take the plough or the whip, and the girls will understand making cloth and other necessaries.

*By Mr. Potgieter.* I would make the employers of the Kafirs, whom Mr. Scheepers proposes keeping in service, responsible for their acts.

*By Mr. Moreland.* I have not observed anything in the Kafirs which leads me to think that they are anxious to adopt the customs of the white men.

S. MARITZ.

Pietermaritzburg, 5th Nov., 1852.

*Mr. Caspar Labuscagne*, one of the members of the commission called in and examined.

I entirely concur with the evidence and opinions expressed by Mr. Scheepers, and I do not concur with the modifications proposed by Mr. Maritz.

I came to this country in the year 1838, and now live in the Klip River Division.

C. LABUSCAGNE.

Pietermaritzburg, 5th Nov., 1852.

*Mr. Abram Gerhardus Spies*, one of the members of the commission called in and examined.

I came to this country in 1840, and now reside in the Klip River Division.

I agree with the evidence and opinions expressed by Mr. Scheepers with some exceptions.

With reference to the Kafirs to be retained in the service of the inhabitants, I would authorise the Field-cornet of each ward to see that their numbers did not increase.

And also that the removal of the Kafirs should be commenced with the utmost caution.

And that the masters of the Kafirs who are to remain should be authorised to restrain them from committing the atrocities

which they, according to their own laws, practice, because it will afford a bad example to the children of christian parents, because their religion is founded on snakes and such like things.

They do not believe in the existence of a supreme being.

In every other respect I agree with Mr. Scheepers.

As far as regards the Klip River Division, I would retain the tribes of Job and Zikali, as they tend to the protection of the District against Bushmen. I would retain Job or Matyana because he belonged to Panda.

In the event of the natives retained in the service of the whites deserting, they might be retaken by being followed up by the Police, under direction of the Magistrate.

This is the only remedy that I would propose.

In the event of all the Kafirs deserting and not being recovered, I could easily replace them by sending over to the ruined Amawazi natives.

I admit that this would be introducing more natives, but still I think they would be more serviceable from their poverty than those we now have.

*By Mr. McFarlane.* I would consider every body at liberty to hire as many Kafirs as he was inclined.

*By Mr. Scheepers.* The Kafirs deserting should ultimately be removed out of the District, and not allowed to remain in the locations.

*By Mr. Potgieter.* I would propose that the Kafirs retained in the service of the white inhabitants should be paid, provided they work.

I think the tribe of Job would be sufficient, under proper directions of the Magistrate, to prevent the country from being re-occupied by refugees.

A. G. SPIES.

Pietermaritzburg, 5th Nov., 1852.

*Mr. Dewald Johannes Pretorius*, called in and examined.

I came to this country in 1838.

I came with Mr. Andries Pretorius.

I live between Pietermaritzburg and Mr. Otto's.

I have some knowledge of the Kafir character.

I have a pretty good knowledge of this District.

I disapprove of the locations which have been given to the Kafirs.

I disapprove of these, first, because the locations are situated so near the town and amongst the white people, which I consider disadvantageous to the whole country, because if the Kafirs wish, they could in one night burn down the town. This is not what I think, but what the Kafirs themselves say.

I was in the war with Dingaen, and was told by Kafirs the particulars of our different engagements, and they added "we were then ignorant," and asked me if the Kafirs of the Zwaartkop's location and Table Mountain or Inanda locations were to come in one night and throw away their assegais, and come only with their kerries and set fire to the town, what could you then do?

Secondly, that the Kafirs are continually driving their cattle backward and forward over private country, by which means cattle are continually being lost.

Thirdly, because the Kafirs in the Locations move about armed in their dancing dresses, passing over the places of the farmers, thereby creating insubordination amongst the Kafirs in service, who then immediately ask "why must we work" ?

Fourthly, that the locations are the cause of the inhabitants not being able to obtain labor, inasmuch as that I have asked Kafirs in a Location to enter my service, and they have asked whether I was mad to suppose that they would go and work for me at 5s. per month, when by the sale of wood and other articles they could obtain as much as they wanted, by which means they are afforded ample opportunity of roaming about the country and of stealing cattle when they see an opportunity without the owners being enabled to find out what has become of them.

I disapprove of the Zwart Kop and the Inenda locations.

I would break up all the locations in the vicinity of the towns, and amongst the white inhabitants, and would remove them to the Umzimkulu keeping them on this side, giving them lands as good as they have here, so good as they could exist upon them, and I would permit any Kafirs to remain in the service of the inhabitants who might wish to do so of their own free will, provided the number was not so great as to become dangerous, placing those who were to labor under contract.

Before moving the Kafirs however, I would ask the English Government to send out 500 cavalry and 500 infantry, to be ready in the event of the Kafirs refusing to move, in order that the Kafirs might not be induced to resist.

I am of opinion that the Kafirs would not move now without resistance, unless they saw that the force to do so was at hand. I would of course move them at a season of the year when their crops had been gathered.

I would move all the Kafirs excepting only those, who when the time of removal had arrived should have provided themselves with masters.

I would have no public locations at all near a town.

I would tell the Kafirs that they were moved because the white and black population could not live together.

I do not think that we could move the Kafirs without this assistance, and if it was not afforded, we would have to leave the matter as it is, and be content with our lot.

I am convinced that if the British Government were to give up the country to the Boers, that we could enjoy much more security than we do at present from the natives.

But I think it would be an improvement if the people had a voice in the government, and that the laws of the country should be made by ourselves, because it is of no use that laws are made by persons of education without any experience.

I would make a law for the Kafirs that every man having a Kafir should be allowed to flog him when he misbehaved, of course

in a moderate way. If this was known by the Kafirs it would become almost unnecessary to inflict the punishment.

In the time of the Volksraad this was the law and then the Kafirs were in good order.

I cannot mention any other law which I would recommend with all my experience. When this law was in force in the old colony the farmers had plenty of hands, and then the Hottentots were comparatively rich.

I would even now introduce such a law or rather I would renew it.

I do not think that the passing of such a law would cause any revolution amongst the Kafirs.

I am unacquainted with all the locations, but I would leave those which are situated at a distance from the white inhabitants.

I think that the Government would be bound to protect the Kafirs when moved to the Umzimkulu, and consequently if the Kafirs after having been so removed, were attacked by Panda or any other foreigner, it would become necessary for us to protect them and this might involve us in war.

I think there are upwards of 100,000 Kafirs in the District.

I think there are 6000 or 7000 white people in the country.

I think it would be better to have our enemy on one side than mixed up amongst us. I would not have any very large Kafir Captains.

We cannot always depend upon the fidelity of Panda, and it might possibly happen that we would have Panda an enemy on one side of us, and the Kafirs we have moved on the other.

I would also suggest that the Kafirs in service should be exempted from taxation, because it would encourage them to go to service, and would also cause a division between them and those who pay.

If any large bodies of Kafirs came across the Umcomas armed, I would force them back by recourse to arms.

I would also have a Magistrate, and Kafirs wanting to come to work from the Umcomas must have a pass from him.

The only way of keeping the Kafirs there would be to have Posts along the Umcomas.

*By Capt. Struben.* I think the danger is much greater now with the Kafirs residing amongst the white people.

*By Mr. Otto,* It would be better to have the whole force in the District Cavalry, but if they can't be got it is well to have some Infantry.

If the Kafirs could be placed beyond the Umzimkulu under British authority, I would think that preferable.

I am of opinion that the number of Kafir families to be allowed to each farmer should be limited to 5 families.

I have heard that Mapingaan resided at the Zwaart Kop and had only 25 followers when the Boers arrived.

I consider that if the Kafirs are removed several of the Boers will return to this District.

*By Mr. McFarlane.* When I said that the Kafirs in the vicinity of the town earned sufficient to do away with the necessity of their going to service, I would explain that the women work and not the men.

The women are first bought by the Kafirs as slaves, then they are obliged to work, and if they refuse they are beaten, not mildly as slaves are, but are beaten with knob kerries.

The women are obliged to work, the proceeds of that work going to purchase cows which supply them and their husbands with milk.

I am of opinion that the black and white races in large masses cannot live together in peace and safety in the same land.

I think the Kafirs will be more likely to be attacked if removed out of the District than within it.

*By Mr. Schoepers.*—I wish to withdraw the statement that the Volksraad made a law for flogging the Kafirs, I do not now recommend such a law to be made.

*By Mr. Spies.*—I conceive that the Kafirs consider themselves much more secure as they now are, than they would be if they did not live amongst us.

I contemplate the discontinuance of Witchcraft wherever the Kafirs should reside within the limits of the District.

*By Mr. Moreland.*—The Kafirs are much more insolent now than they were when first we came. This has considerably increased since the English took possession of this country.

Thefts have become more common.

The cause is, the unbounded humanity of the English Government towards them.

It would not have been necessary to have adopted stringent laws towards the Kafirs because we have had none such, but they should not have been allowed to go about armed.

By indulging the Kafirs too much they become dangerous.

If they had been governed from the first with rigid control they would not have been in their present unruly state.

The Kafir chiefs have to my knowledge interfered to protect Krfirs from being brought to justice, and have otherwise encouraged the Kafirs in disobedience and a system of depredation.

I think if Kafirs live far away from town their women have less hard work, as they have not their produce to carry into town, and therefore produce less.

I think that the institution of locations near large towns gives an undue preference over the whites possessing as they do an unlimited supply of labor by the plurality of wives.

I wish to explain the statement that it was the law under the Volksraad that a master could punish his servant when he misbehaved, by saying that there was no law in existence allowing a master to punish his servant, but I am aware that in the time of the Volksraad the same authority was allowed to masters over servants as parents had over their children this is what I meant originally.

D. J. PRETORIUS.

Pietermaritzburg November 5th 1852.

## SIXTH MEETING.

*Saturday, 5th November, 1852.*

## PRESENT.

The Hon. W. Harding, Esq., *President*

The Hon. John Bird, Esq.

Theophilus Shepstone, Esq.

A. Spies, Esq.

John Moreland, Esq.

O. Labuscagne, Esq.

P. A. R. Otto, Esq.

Fredk. Scheepers, Esq.

Evert Potgieter, Esq.

Captain Struben.

Solomon Maritz, Esq.

Chas. Barter, Esq.

Dr. Addison,

J. Henderson, Esq.,

J. N. Boshof, Esq.

W. Macfarlane, Esq.

The minutes of the previous meeting were read and confirmed

The President put the question to the meeting, whether the question and answer should both be entered on evidence.

Unanimously carried.

Examination of Mr. Shepstone commenced and continued.

The president adjourned the meeting until the 24th instaut.

EDMUND TATHAM, Secretary.

*Theophilus Shepstone, Esq.*, one of the Commission, called in and examined:—

*By Mr. Bird.* 1. Are you Diplomatic Agent in this District?  
—I am.

2. How long have you held that office?—Since January, 1846.

3. Before holding that office did you hold any other office in connection with the native tribes?—Yes.

4. Was that in the Cape Frontier?—Yes.

5. How many years were you so engaged there?—I was seven years Diplomatic Agent at Fort Peddie.

6. And before holding any office at all among the native tribes had you any intercourse with the natives, and knowledge of their language?—My intercourse with the natives and knowledge of their language commenced with my childhood.

7. Did you visit this country before holding the situation of Diplomatic Agent here?—Yes, in 1838.

8. What was the nature of your mission at that time?—I was attached as intrpreter to the first military expedition that came here under Major Charters.

9. In that capacity had you any means of ascertaining, nearly, what was the number of natives in the District of Natal?—No.

10. Were you aware that there were any natives at that tim



residing in this District?—I was only aware of those residing in the immediate vicinity of the Bay.

11. Were they aboriginal natives who had been born on the soil?—I was not then aware.

12. Did you leave the District in the same year?—I came in the end of 1838, and left in the beginning of 1839.

13. Before the year 1846 had you no means of ascertaining the number of aboriginal natives in this District?—No.

14. Have you since had the means of knowing?—To some extent.

15. Can you state approximately the number of such natives?—I have provided myself with a list of the chiefs and tribes in the District generally, compiled from the tax books for 1849, collected in 1850. I have divided these into three classes; first, the aboriginal chiefs and tribes, secondly, aboriginal and refugee chiefs—that is to say, chiefs and tribes that are both aboriginal and refugee—and thirdly, refugee chiefs and tribes. The first class of these paid taxes for 10,363 huts, in 1849, representing a population, according to the average of four to a hut which I have adopted, of 41,452. The second class upon 6011 huts, representing 24,044 inhabitants; the third class for 8902, representing a population of 35,608 inhabitants. But these lists, I would mention, are only approximately correct, and cannot be relied on as entirely so.

16. Do you not consider that chiefs who have come into this District as refugees, but who were before aboriginal natives, have the same rights to the soil as the aboriginal natives themselves have?—No.

17. Why not?—I think the strength of the aboriginal claims in the first class consists in their having retained possession of their country under the same circumstances under which the second class left it; and that therefore they have not the same claim as that class.

18. From the evidence which has been given during the last few days, you have heard that the number of the aborigines about the year 1838 varies in the estimate from 5,000 to 11,000; do you think this was greatly under the estimate?—No.

19. But the number of aboriginal claimants in the year 1849 being as many as 41,000, how do you account for this increase, unless you consider the greater part of those constituting that number as aboriginal natives who have left the district, returned as refugees, and therefore stand in the category of those in your second class, whose rights you say are inferior to those in the first class?—I think that the 11,000, or whatever number of aborigines may have been here originally, contained the representatives or germs of the tribes and chiefs which I have placed on my first list. The large increase is undoubtedly from persons either originally belonging to these tribes or individual refugees.

20. Do you think, then, the whole number of 41,452, are entitled to be regarded as having claims to land in this District, as aboriginal natives?—I do not.

21. What is the limit that you would set for those having claims as aboriginal natives?—I think the difficulty of distinguishing one individual from another, as regards these rights, is almost insuperable; but to a limited extent it might be accomplished.

22. Do you think that to that limited extent it would be practicable to ascertain the situation which these aborigines are entitled to occupy?—I think it is possible to ascertain the situations which they have occupied.

23. Do your lists contain the names of the chiefs and the numbers of each tribe composing this 41,000?—My list contains the names of the tribes or chiefs, and the number of huts for which each paid taxes in 1850 for 1849.

24. The portions of the country which they originally occupied have, in a great measure, been appropriated as farms, and you do not think that on that account it would be easy to place them in the exact position which they originally occupied?—It would be impossible.

25. Do you think the extent of locations as at present existing sufficiently great or too great for all the natives in the District?—The locations already established are not capable of affording provision for the whole native population.

*By the President.* (Mr. Harding.)

26. How many locations are there in existence?—The boundaries of five are declared, namely, the Zwartkop, Inanda, Umvoti, Impafana, and Umzimyati. Those of the sixth, the Umlaas, have not been declared; neither have they of the seventh, the Quathlamba.

27. Are there not other tracts of country also used by the natives, forming no part of these locations?—Yes.

28. Will you be good enough to name them and their number?—The whole of the country beyond the Umcomas, and the whole of its left bank.

29. Did I understand you to say that the whole of the locations, such as are defined, and those undefined, are insufficient to contain the whole of the native population of this country?—It is my opinion that they are insufficient.

30. Can you inform the commission at all of the extent of land comprised in all these locations?—The only data I have to go upon are those advanced by Mr. Cloete.

31. Then do you consider Mr. Cloete's data the best to be obtained?—These are the only data in existence at present. The capability of a location to maintain the population cannot be estimated from the number of acres embraced within its boundaries, because a large proportion of the country included in several of them is incapable of being inhabited at all.

32. How many more locations would be necessary to accommodate the whole of the native population?—It is impossible to answer that question, because the locations were formed according to the peculiar local circumstances connected with each.

33. I believe, Mr. Shepstone, that the present locations were

established in consequence of a report of a commission of which you were a member?—They were not.

34. None of them?—No.

35. Can you tell the Commission how they came to be established?—The first mention I find of the intention to form locations, is contained in the instructions issued by the Cape government to the Surveyor General in his appointment to that office in this District.

“ 23. It has been proposed that for the benefit of the natives found in the territory of Natal, on the first influx of the immigrants, and who have continued to occupy lands there, certain tracts should be unalienably vested in the chiefs, for the time being, of the kraals of these original inhabitants, in trust for the use of all the inhabitants of such kraals as tenants in common; and that in regard to natives who have since that period entered and remained in the territory, six or more locations should be formed in the several districts or divisions of the territory, for their use and residence.

“ But as there may be some difficulty in inducing the natives to gather themselves into these separate locations or tracts of country, and many valid objections to the measure itself, His Excellency requests you will give your attention to this subject, and report fully thereon; as well in regard to the probable public good or convenience to be expected, as to the propriety and practicability of alienating such extensive tracts as the measure will evidently render necessary. The accompanying letter from the Land and Emigration Commission which has been recently transmitted to His Excellency by the Secretary of State, may possibly be of some assistance to you in this inquiry.

I omitted to mention that this instruction was given subsequent to the letter referred to by Mr. Cloete, as having been written by him in his capacity of Her Majesty's Commissioner, dated, 10th November, 1843, the date of the instructions being 17th Feb., 1845.

36. But then Mr. Shepstone, were you not appointed one of a commission to investigate and report on the matters alluded to in those instructions?—No, that was not the object of my appointment.

37. Then what was the object of your appointment?—I will explain this by reading the first section of the instructions issued to that commission:—

“ 1. The object of your appointment being the location of the natives now within this District, in such a manner as will best prevent any collision between their interests and those of the emigrant farmers, it is necessary to furnish you with all the information in the possession of the government bearing upon the subject.

38. Did that commission then recommend any of the locations you have named, and if so name them?—It recommended them all, both as to extent and situation.

39. Have you got by you the recommendation of that commission contained in its report or other document?—Yes, but before answering that question I wish to read an additional instruction given to that commission:—

“ ADDITIONAL INSTRUCTIONS.—You will please to turn your attention to the best mode of providing for the future internal management of the several locations, and you will, either separately or collectively, should you all concur, report to His Honor your opinions with regard to the superintendence you

may deem necessary in each location, upon the means of defence possessed by each of these communities, and upon the best mode of enabling them to contribute to the general defence of the district, as well as upon any other point that may occur to you in which the improvement of the people, and the general welfare of this district in relation to them, may appear to be involved.

I have, &c.,

(Signed) D. MOODIE, Secretary to Government.

The Report is dated 30th March 1847, p. 132, addressed to the Secretary to Government.

Pietermaritzburg, March 30, 1847.

- "Sir,—The management and efficient control of the large native population within this District is a subject of such vital importance in its bearing upon the future prosperity of the settlement, that we deem it our duty, in this stage of our proceedings, to represent as forcibly as we can the intimate connection that exists between the two, in order that His Honor the Lieutenant Governor may be put in possession of such information as shall enable him to take the necessary measures to ensure so very desirable and indispensable an object.
- "The great importance that attaches to the question we propose to address you upon will become more obvious when the circumstances of the District, the number, characters and habits of life of the natives, their present, as contrasted with their past condition, are taken into consideration.
- "The District of Natal is inhabited to a very limited extent by white colonists, the greatest proportion residing at Pietermaritzburg or D'Urban, or in the neighbourhood of these two places; while the other portion forms a very thinly scattered population between the first named place and the Drakensberg or Quathlamba Mountains, the whole amounting, at a rough estimate, to souls.
- "The native population is found in masses in various parts of the District in its greatest extent, and is estimated with perhaps greater accuracy at 100,000.
- "The seat of government is established where the greatest number of white inhabitants has congregated, very nearly in the centre of the District, and not far from being so situated, with regard to the different masses of the native population; at the two places above named, where the white inhabitants are principally congregated, it has been found absolutely necessary to establish magistrates, courts, gaols, and police, and to appoint justices of the peace for the sufficient administration of the government within them, although the two combined will not amount to more perhaps than one-third the population of one of the proposed native locations, all of which are as yet without any permanent local representative of the government.
- "As before stated, the number of natives residing within the District has been estimated at 100,000, and we are inclined to adopt this estimate. Their universal character, as formed by their education, habits, and associations, is at once superstitious and warlike; their estimate of the value of human life is very low; war and bloodshed are engagements with which their circumstances have rendered them familiar from their childhood, and from which they can be restrained only by the strong arm of power; their passions are easily inflamed, while at the same time they have grown up in habits of such servile compliance to the wills of their despotic rulers, that they still show ready obedience to constituted authority.
- "Their present peaceful circumstances they have enjoyed but for a few years past; that is, since the occupation of this country by the white man. Previous to that period this District was comparatively a wilderness, uninhabited except by a few wandering fugitives, possessing very little of any property, and whose lives even were rendered miserable by the uncertain tenure upon which they held them. This desolation was induced by the wars of its former inhabitants amongst themselves, and their ultimate extermination or subjugation by the Zoolahs—a tribe which, under the ambitious and enterprising Chaka, grew into a formidable power from the wreck of its neighbours—and desolated the country from Tugula to St. John's River. In the struggle which ensued with the emigrant Boers to maintain this desolation, the Zoolahs, under Dingaan (Chaka's assassin and successor), were defeated by the emigrants with great slaughter; but their power was far from destroyed, and they remained as

they at present exist—a formidable power, in the immediate border of the District.

- “The native population within it is now no longer subject to such vicissitudes. It enjoys undisturbed the result of its industry, and is fast acquiring the only description of property it looks upon as real, viz., cattle and other live stock ; but while it enjoys the utmost amount of protection which can be afforded to British subjects, it feels itself as yet subject to a very small, if any, amount of wholesome restraint. Its own chiefs, to whom, under other circumstances, a ready obedience would be given, are being disregarded, as gradually, by the operation of our laws, it is discovered they possess no constitutional authority ; and thus, from the extreme depths of the most cruel despotism, it finds itself suddenly raised to a position in which it would be considered a dangerous experiment to place even civilized communities.
- “The natives’ own laws are superseded ; the restraints which they furnished are removed. The government of their own chiefs is at an end ; and, although it is a fact that British rule and law have been substituted in their stead, it is not less true that they are almost as inoperative as if they had not been proclaimed, from a want of the necessary representatives and agents to carry them out. Thus, in point of fact, 100,000 natives are at this moment living within a District of Her Majesty’s dominions without any law whatsoever operating among them. The danger of such a state of things scarcely needs our pointing out ; its consequences are as obvious as any simple circumstance of cause and effect can be, and the longer it exists without the application of a remedy, the more difficult will be the ultimate undertaking. The spectacle of unrestrained freedom which the natives living within the District present to those without, renders the black population liable to immense accessions to its numbers from the subjects of the various chiefs across our border ; and this will as much as anything excite their hostility : and should any active operations be undertaken by them against us, in the present circumstances of our District, we shall, with an overwhelming native force at our disposal, be subjected to disadvantages and confusion, from an absence of the means of organizing and directing its energies.
- “It will be within His Honor’s knowledge that much of the country within this District is of such a broken description as renders it difficult if not impossible, to act with European troops.
- “It is this view of the case we wish to press upon the serious attention of His Honor the Lieutenant Governor, and at the same time to suggest such measures as, in our opinion, are necessary for the efficient control and management of the natives, upon which hinges so much of good or evil consequence to this country.
- “We beg to propose, 1st, that each location be governed by a superintendent, or resident agent of the government.
- “2nd. That he should be furnished with one or more assistants, according to the size of the location.
- “3rd. That upon each location a native police force should be established, under an European police officer, who might act as gnoler, &c.
- “With regard to the first proposal, we are of opinion that much depends upon the description of person appointed to the office of superintendent or resident agent. We think it indispensable that this officer should be a person of high moral standing, sound judgment and decision of character ; one who, from his education and conduct, will command the respect of his fellow countrymen, independent of his office : whose motives for action may never become a matter of question even with the natives, much less with the white man ; and that he in particular, and all under him if possible, should be conversant with the language of the natives.
- “We are aware that qualifications such as those are not easily obtainable, and that nothing but an adequate remuneration can secure them. We, however, sincerely hope no question of mere expense will prevent the services of officers of this character being procured.
- “The authority with which he should be invested is perhaps more a matter for the consideration of the Executive Government ; but we would suggest that it be sufficient to enable him to punish summarily minor criminal offences, and decide upon civil disputes to a certain amount, after which there should be a right of appeal to the diplomatic agent, who should have the power to dispose of them as much as possible to the principles of British law, at the

same time adapting his decisions to the usages and customs of the native law, where such accommodation can be effected without violating the stern requirements of justice. The trial of those cases would be greatly facilitated and rendered much more satisfactory to the natives themselves, where the principal chiefs and councillors in the location summoned to assist as a sort of jury, and deliver their opinions according to their ideas of the merits of each. In every case in which a white man is a party, the trials should take place under the requirements of the established law of the District, and for this purpose the superintendent should be invested with the power of a resident magistrate within his location. All serious criminal acts might at once be referred to, and tried in, the supreme criminal court of the District.

"In addition to his magisterial duties, the superintendent, assisted by his subordinates, should, as soon as it is practicable complete a registration of all natives living within his location, man woman, and child, together with the number of cattle possessed and owned by each individual. He should also register all removals, whether into or out of his location, specifying the destination of the parties removing, and furnishing such with a passport or memorandum to the superintendent of the location to which they are removing. He should also possess the power of executing contracts between master and servant; an accurate register of which, specifying the nature of the agreement, should also be kept, and a copy thereof transmitted monthly to the diplomatic agent at the seat of government.

In administering the government of this location he should conform as much to their own law as is compatible with the principles of ours, until by degrees the whole may with advantage be brought under our code; but we are of opinion that it would be productive of no good result suddenly to abrogate the laws and usages they have practised from time immemorial, except such as are connected with their ideas of witchcraft and which affect the lives of the accused.

"We are of opinion that in the exertions to be made for the improvement of the natives much depends upon the success experienced in raising their women in the scale of native society; and as a first step to this end we would recommend the remodelling of their own laws on this subject, so as to render marriage and divorce a matter of much more serious importance than at present. We recommend the remodelling of them on this subject, because we think their total abrogation would be inoperative, at least for some period to come.

"His Honor is aware that polygamy and bartering for women prevail universally in their worst form in the district.

"Another point upon which it will be necessary for the superintendent to bestow his most assiduous attention, will be the direction of the industry of the natives to the acquisition of other wealth than merely live stock. This object may be much forwarded by the encouragement of a different description of agriculture to that which now obtains among them, both as to the manner of cultivating and the article cultivated. The growth of cotton or some other perennial plant that does not require to be resown or replanted every year, and yields produce in proportion to its age, would materially tend to attach them to the localities they have selected, which might ultimately be secured to the most deserving, as a real property, and thereby more permanently attach them to the spots rendered their own by their industry.

"We think it would be desirable to register all possessors of fire-arms in each location, and that none can be allowed to retain them without a certificate of such registration. Some distinguishing costume, or other mark, would be necessary in time of war, to prevent confusion and secure the ready management of the natives when their services in a military capacity would be required. It should be the especial care of the superintendent, or resident agent to gather all the natives within the boundaries of his location, and to require the building of their kraals in such a manner as would prevent the necessity of their cattle depasturing upon farms in the neighbourhood, which, from their proximity to the locations, are more likely to become first occupied.

"No trader should be allowed to trade in the location without the knowledge of the superintendent, and sanction previously obtained for that purpose from the proper authority, and for the description of articles to be sold.

"The superintendent or resident agent of each location should report, weekly, all occurrences within his jurisdiction to the Diplomatic Agent at the seat of Go-

vernment, for the information of His Honor the Lieutenant Governor, and, as often as anything extraordinary might take place, in order that the Executive Government may be immediately cognizant of every movement in the district as soon as it occurs. We would also recommend that the diplomatic agent make periodical visits to all the locations in the district, as frequently as may be consistent with his other duties. During these visits he might hear and dispose of any cases of appeal from the decision of the superintendent or resident agent, except such as he thought advisable to refer to the consideration of his Honor the Lieutenant Governor.

- "We feel deeply that the moral and intellectual improvement of the natives is intimately connected with the prospects of success in any attempt having for its object their good government and efficient control, and we believe that the amount of success in the latter depends very materially upon the progress acquired in the former. We speculate largely and confidently upon the assistance which the moral influence of the devoted missionary and the schoolmaster will furnish to the civil Government, and we would recommend strongly that every encouragement be given to the establishment of an adequate number of missions and schools in each location.
- "We would also recommend and strongly advocate that a suitable annual grant be made by Government in support of the latter. It is also essential that all Government officers within the location should afford every encouragement and assistance to the labours of the missionary and schoolmasters; and we believe it of vital importance that the civil and ecclesiastical departments in the locations be perfectly distinct.
- "We are also of opinion that the establishment of a model mechanical school in each location, in which the useful arts should be taught and practically illustrated, would be of immense advantage, not only to the natives themselves, but to the colony at large. These institutions would furnish to the whole district competent mechanics of every description required for the development of the resources of the country. They would create artificial wants among the natives themselves, while at the same time they would provide the means for satisfying them.
- "We are of opinion that such institutions would be found highly beneficial, and that they should be under the direct control and management of the Government.
- "We think it highly important that practicable roads should be opened, connecting all the locations with the main roads of the country. We think their efficient control requires this as a precautionary measure; also, that for the purpose of trade and facilitating a wholesome intercourse with their white neighbours, it is essential. We also view it as highly desirable that the extent of each location should be accurately defined as soon as possible; as, before this is correctly ascertained, it will be difficult, if not impossible, to arrive at a correct estimate of the amount of population it will be desirable or practicable to place on each.
- "With reference to the manner in which the lands selected for the location of the natives should be secured to their use, we are of opinion that at present it would be inexpedient and productive of no good effect to attempt to force upon them individual rights to particular spots of land; because the idea of property in land is not yet established in their minds, and the conferring it upon them would not be appreciated as we anticipate it will after the system we have recommended has been for some time in full working. After a mature consideration of this subject in all its bearings, we are of opinion that the only means of at once giving the natives the full benefit of any land appropriation, would be to vest all such lands in the hands of trustees for their use—the Government reserving to itself the right to convert these, or any portion of them into freehold grants, to such natives whose improved condition, arising from the diligent use of such lands as already described in a former part of this communication, may render it desirable. This would act as a powerful stimulus to the industry of others, and be a very appropriate reward to confer on those whose diligence has outstripped their neighbours at the commencement.
- "It is more the province of the Executive Government to select these trustees, should our recommendation be adopted. We would however suggest that some of the principal officers of the Government be of their number.
- "The expense of such a system of management as the one recommended in this

communication may appear large, but when the circumstances of the natives themselves, the importance of the capabilities of the district over which British authority has been asserted, and the relative position of the white and black population within it, are duly considered, the irresistible conclusion arrived at is, that the system for the government of the natives, to be efficient must be complete in all its details—that the persons through whose instrumentality it is to be worked, must be such as by their characters furnish a guarantee of success—that to ensure such persons to the undertaking respectable salaries are necessary, and sufficient assistance from inferior officers to be appointed to each location indispensable. And we are deeply impressed with the conviction, that unless such a plan of government as this be established over the natives, and that speedily, and in such a manner as will ensure its efficient administration, the consequences to the district at large will be disastrous in the highest degree. To preserve them obedient subjects, they require constant and steady control—strictly impartial justice, both in the redress of their wrongs and in the punishment of their misdemeanours, whether of a civil or criminal nature. To raise them in the scale of society, and render them an improving people, they require an intelligent and prudent direction of their industrial energies, and unwearied instruction of their moral obligation. These objects zealously undertaken and persevered in, will, we anticipate, be fully accomplished. The native population in the district, and gradually that beyond it, will become consumers of imported articles, and producers of articles of export; and after a time, with a judicious system of taxation, will defray the expenses of their own establishments, and furnish an excess to the treasury of the district.

“N thing can be done effectually without the officers required for the internal government of each location, being appointed and already established therein.

It must be borne in mind that the very removal of the natives into the locations appointed for them, is bringing them into closer contact with each other, and thereby considerably increasing the probabilities of collision among themselves, as well as facilitating combination against the Government, should any of the measures unite their sympathies. In either of these contingencies the superintendent and his establishment would be a salutary check, and prevent even the occurrence of ideas, which other circumstances would actually engender and foster. The safety, the very existence of the district, as such, depends upon the good government and efficient control of the immense bodies of natives within it. Without this our destruction is inevitable the moment they become unanimous in determining it; while with it, we are almost invincible to the attack of any enemy from without.

“Should these people become cattle stealers, to which they are naturally inclined, their being placed together in locations, without any efficient local control, will encourage as well as facilitate their being such; and it would require a military force, as large or larger than that which is now employed on the eastern frontier of our old colony, to hold them in subjection, and even then all cattle-farming among the white population must cease; for it must ever be remembered, that whatever the amount of military force may be, it never can be of itself sufficient to put a stop to cattle-stealing after it has once become a popular native practice.

“It is within the personal knowledge of his Honour, that to this practice alone is to be attributed all the misery and bloodshed, the loss of such a vast amount of property, and the expenditure of such immense treasure within and on the border of our old colony; and to prevent its becoming the bane of this district, is, we think, the object to be sought after; and we are happy to record our opinion that it may still be accomplished, and with but a small expenditure, when compared with the vast amount that has been spent for years past, in an attempt to keep the eastern frontier Kafirs in military subjection, and which has hitherto so signally failed. We believe the only effectual means to be, the immediate appointment of suitable resident agents or superintendents, with establishments as recommended in this communication. We use the word *immediate* emphatically. We think these appointments need not be deferred until the boundaries of all the locations are fixed. This may require some time to accomplish, and will not materially interfere with the active services of intelligent superintendents, could they be at once procured and appointed. We beg, therefore, to urge most seriously upon the consideration of his Honor the Lieutenant Governor, the immediate appointment of a



superintendent, with assistants and a sufficient establishment to each location ; and, at the same time, to record our opinion, that until these appointments are made, and are in active and zealous operation, the condition of the natives will be retrograding, from the force of circumstances in which they are placed,

We have, &c.,

(Signed)

WILLIAM STANGER,  
THEOPHILUS SHEPSTONE,  
N. ADAMS,  
CHARLES J. GIBB, Lieut. Royal Engineers.  
D. LINDLEY,  
Commissioners for locating natives.

A true Copy.

(Signed)

W. J. DUNBAR MOODIE,  
Clerk, Colonial Office.

40. Were the recommendations contained in that report carried out?—No.

41. Do you know why?—I believe the reason was the want of funds in the colony for the purpose. I shall read a section from a despatch of Earl Grey's, dated, 10th Dec., 1847:—

“ The report of the Commissioners I regard as a very able document, and if Her Majesty's government were prepared, without reference to the cost of such an attempt, to recommend to parliament that provision should be made for adopting the most effectual means of bringing this part of the British dominions as speedily as possible into the condition of a civilised and well-ordered community, I should be prepared to sanction the adoption of a very large portion at least of the recommendations of the Commissioners. But the question of expence cannot be thus disregarded ; whilst, therefore, I am fully sensible of the importance of the objects the commissioners have had in view in the measure they have advised, still, looking to the interests of the British empire as a whole, and to the heavy demands from so many different quarters upon the imperial treasury, it is my duty at once and distinctly, to discountenance the expectation that any plans for the improvement of the Natal district, which would involve large expense to be provided for by Parliament, can be adopted.

“ The local authorities must clearly understand that it is absolutely necessary that they should confine their views to the accomplishment of such gradual improvements in the social state of the district as may be introduced without looking to the mother country for pecuniary assistance to more than a very moderate extent. The maintenance of no very large military force for the support of the authority of the Government, and to aid the inhabitants in defending themselves, is the only charge which I am prepared to recommend that Parliament should be asked to provide for Natal ; the expenditure incurred for other purposes must be provided for from such funds as can be raised within the settlement.

42. What did you contemplate would have been the cost of the measures proposed by you?—We contemplated the annual expenditure would be £5,500, and the income, by means of a capitation tax which we then proposed, would amount to £10,500 per annum.

43. Do you know if the Natal treasury could have afforded at that time to set your machinery in motion?—I know that it could not.

44. Do you, then, Mr. Shepstone, as a member of the commission the recommendations of which you have just read, still adhere to those recommendations?—I have very grave doubts.

45. Why?—Because the relative positions of white and black have very much altered.

46. Would you recommend their being carried out now or not, supposing we have the money?—I should hesitate before recommending that they should now be carried out.

47. Are we to understand that you would not recommend their being carried out?—I think that the advantages which the circumstances and the time afforded in 1847 have passed away; they were then peculiar.

48. Then are we to understand that you would not recommend those resolutions being carried out?—I naturally feel a great leaning to a plan recommended by myself; and very deeply regret that the peculiar advantages then existing were not made the most of. And thinking as I do that the opportunity is lost, I could not conscientiously recommend its adoption now, for the following reasons. I will read a letter addressed by me to the Hon. the Secretary to Government, dated, 7th April, 1851:—

(COPY.)

Diplomatic Agent's Office, Natal,  
April 7th, 1851.

- "Sir, In accordance with my letter of the 9th March, I beg to lay before His Honor the Lieutenant Governor a short review of the manner in which I have managed the natives. My object in this communication is to show that the course of events which has brought gradually about the late crisis was natural.
- "I have all along been painfully sensible of the grave responsibility resting upon me, and I have not failed to point out the danger likely to arise from it, by recommending the adoption of measures that would more efficiently control the natives in detail, and make them feel individually as well as collectively the wholesome restraints of a civilised government.
- "The extracts appended to this letter marked A and B will show the strong light in which Mr West and myself, as well as the gentlemen associated with me in the Commission, viewed this question, and the urgent manner in which we recommended its avoidance by the immediate appointment of efficient European superintendence. The difficulty we foresaw was not that of governing the natives *per se*, but of so moulding their government that it should be practicable in the presence of a white population.
- "I have exercised, uninterruptedly, for five years, every function of government, executive, judicial, and military, and I believe I can without presumption say with perfect success, so far as the natives themselves are concerned.
- "While Kafir war has been raging on the frontier of the Old Colony, and marauding tribal wars have agitated the Sovereignty, this District, containing upwards of 100,000 natives, divided into several tribes jealous of one another, and having ancient feuds, has been at peace, and the natives have been kept (except in the case of Fodo, whom I succeeded in putting down with the assistance of the military) from warring even amongst themselves. The executive part of my duty has been exercised, 1st. In removing them from off private or crown lands to within the boundaries of the locations appointed them by the government, to such an extent as I was directed, or was necessary, such removals have not been effected without reluctance on the part of the natives, which on one occasion assumed the form of resistance on the part of several considerable tribes, and I had to employ a native force to compel obedience. 2nd. In settling disputes regarding lands and other tribal questions between the chiefs. 3rd. Enforcing the sentences of the chiefs when obedience had been refused to them by their people, and 4th, Raising a revenue from them, which realized upwards of £8000 the first year of its collection.
- "These are amongst the principal instances in which the executive part of the authority over them has been manifested.
- "Judicial authority has been in full operation. Numbers of cases of inheritance, and disputes on other matters, different claimants to chieftainship of various tribes, and in fact every conceivable species of dispute or matter for litigation has been before me, either in appeal from decisions of their own chiefs or as original complaints.

- "To secure uniformity I have employed the services of a council consisting of men from different tribes to sit as a sort of jury in all matters of dispute when their laws have been appealed to, as well as to assist me in the consideration of executive measures. My decision has been final, and in no instance do I remember any serious disposition to resist, shewing itself.
- "Their military organization has been on the principle of forming the tribes inhabiting any particular locality into divisions, under native commandants, so as to form bodies of from 1,500 to 2,000 men in each. The Zulu organization is of a much more perfect nature, and in describing it in my letter to the Honorable the Secretary to Government, dated 14th August, 1848, I have recommended the adoption of that part of it which I think would tend to remind the natives periodically of their duties of allegiance and obedience.
- "The management of the natives during this period has been entirely by means of themselves, and without any European or civilized agency whatever. For the mere controlling and governing them alone, I have found the means furnished by themselves to be amply sufficient, but they fail when the higher objects of a christian government are attempted, and when, by the influx of civilized immigration, matters of dispute become complicated, and the parties to them are white men, hence arises the present difficulties.
- "They have been governed, and an active control exercised over them, but they have not been prepared for the ordeal which their contact with civilized man renders it inevitable they should pass through, because the machinery that sufficed for the one would not accomplish the other.
- "A machinery was proposed by the Commissioners in their report, and the danger of delaying has been often pointed out.
- "The evil of the delay is two-fold.
- "1st The circumstances of the natives have been continually on the advance; they are richer, more independent, and less willing to accept a new control.
- "2nd, The white man requires the savage to be under a more civilized description of control than their native rule furnishes for him to feel at ease with him.
- "It was hoped that this advanced state of management might have been brought about previous to the influx of so many immigrants, but it has not, because,
- "1st, I would point out that the lands already set apart by the government for the use of the natives, are on so uncertain a footing that improvements in agriculture, or the establishing of permanent plantations, could not be encouraged.
- "The Commissioners for locating them saw this difficulty, and suggested that the only means of at "once giving the natives the full benefit of any land appropriation, would be to vest such lands in the hands of Trustees for their use."
- "This proposition has not been carried out; the natives have no security in the possession of their lands; the white population naturally from time to time seek to have alterations made in the boundaries of their locations, and this in some cases has been done.
- "2nd, That not much more than two thirds of the native population is provided for by the land appropriations that are made. Great complaints are made by some of the extent of the locations, but if the average number of acres supposed to be necessary for the maintenance of a family is taken, it will be found that it is impossible to attempt to locate 100,000 natives in the present locations.
- "3rd, That the appointment of the first magistrates only took place in the month of July and August last year, and that their establishments are as yet so incomplete that they are necessarily inefficient.
- "And I would observe that the great influx of immigrants from the United Kingdom has necessarily much complicated the relative position of black and white, and questions are daily arising which can only be dealt with by the introduction of such modifications in their laws and customs as would suit their new condition, and it is obvious that until the magistrates have had an opportunity of acquiring an influence of a personal character, half their efficiency in this respect is thrown away, so that neither the people nor the officers appointed over them were prepared for the circumstances they find themselves placed in.
- "It must be evident from these considerations that the exercise of executive authority over them was, as a matter of course, limited to the exigency of the moment: that no measure of a permanently improving character could be undertaken when no means for carrying them out existed, while, on the other hand, the acquisition of knowledge which a daily, and in many instances too familiar intercourse with the whites, secured them, and which naturally affected the

- prestige of my position, could not be prevented; the Government, from want of means, could not adopt the clear and only safe policy, viz., that of applying such knowledge.
- "The evil consequences predicted by Mr. West, have manifested themselves:
- "1st, In the excitement amongst the natives, reported in my letter of the 28th January, and, as stated there, occasioned by the various measures it was thought necessary to direct the magistrates to undertake on their appointment.
- "2nd, The white population being now numerous, and also strange, became alarmed at this excitement, and a very general feeling of insecurity was induced, which necessarily also re-acted upon the natives.
- "Whether, in the present case, the extent to which this feeling exists is justified by the circumstances, it is not for me to discuss, but to point out that the adoption of every new measure will probably create a like excitement, which cannot be allayed but by slow degrees, and so not without the risk of alarm amongst the white population.
- "This state of mutual suspicion and fear, on the present occasion, has operated very injuriously to trade and agriculture, and it is to be feared that still more serious consequences will, on some future occasion, result from it.
- "I conceive that the history of the last five years establishes,
- "1st, That an active control over the natives has been manifested in the exercise of all the functions of a vigorous government.
- "2nd, That this has been accomplished through native agency.
- "3rd, That native agency has been amply sufficient to manage them, where the higher objects of a civilised government were not attempted, and where the effect of contact with white population did not exist.
- "4th, That no machinery has been at my disposal to prepare them for these advanced circumstances, and,
- "5th, That the gradual change adverted to in my letter of the 26th April, 1846, the Commissioners report of 1847, and Lieutenant Governor West's despatch of the 2nd November, 1847, has become so great, and manifested itself so unequivocally of late, that a strong sense of insecurity has lately taken possession of the minds of the white population, prejudicial alike to themselves, the natives, and the best interests of the colony. Under these circumstances, it becomes a matter of grave consideration whether the measures recommended by the Commissioners and myself in 1846 and 1847, as applicable then, still continue desirable or safe in the seriously altered position of affairs I have described them to be in now, and I reluctantly confess I entertain great doubts on the subject; the opportunity seems to me lost,—certainly the advantages it then held out are past recall. I trust, however, that while the want of funds, or other circumstances have prevented the expenditure necessary for the preparation of these people for the altered circumstances in which they have been placed by the progress of events, Her Majesty's government will see that I have done all that the means in my power enabled me to accomplish, and that the responsibility of failure in their advance in other respects cannot rest on one who had early pointed out the danger, as well as what he considered to be the means of averting it.
- "In a future communication I propose pointing out the only alternatives that appear to me open to the adoption of the government, with reference to the natives within this District, as well as those residing on its border, between its southern boundary and the Kafirs on the frontier of the old colony, now at war with it."

I have the honor to be, Sir,  
Your most obedient servant,

(Signed) T. SHEPSTONE.  
Diplomatic Agent."

49. Were the Kafirs removed to the locations which were fixed, and now exist?—In many cases they were.

50. What were the Kafirs told when they were removed to the limits of these locations?—They were told that those locations were Crown lands appropriated for their use.

51. Were they led to believe that there would be any subsequent removal?—No

52. Have those Kafirs that have been moved to these locations, and those which resided within their limits, continued to reside there ever since?—Yes, with individual exceptions.

53. Then they were not led to believe that their removal to these locations was a mere temporary arrangement?—Not when they were removed into a defined location.

54. What would you now recommend?—In answer to that question I will read my letter dated 9th December, 1851, to the Secretary to Government :—

Pietermaritzburg, December, 9th, 1851.

To the Acting Secretary to Government.

- " Sir,—In my letter of the 7th April, 1851, I endeavored to show the nature and extent of the government I had exercised over the natives in the district, since the establishment of a regular government within it, and under its directions. I also expressed great doubts as to the feasibility of now ruling them by the means and in the manner proposed by the Commissioners and myself in 1846 and 1847; and I then contemplated placing before the government for its consideration the only two alternatives that appear to me open to its adoption.
- " 2. The first is to endeavor by filling up the plan recommended by the commission in 1847, to regain lost ground, and attempt to establish a more special and direct control where contact of white and black the most frequently occurs.
- " 3. To this end it will be necessary that the whole of the provisions recommended be adopted. These contemplated *the perfect control of the entire of each location* by a superintendent magistrate, and as many assistants as might be found necessary for the purpose; each with an efficient establishment of police, &c., under him—mechanical schools, in which the youth might be made useful labourers—a complete registration of the inhabitants—good roads intersecting the locations, for the facility of trade, military, and other purposes; and a leading feature in the plan was uniformity of action and management, so as to teach the natives to look to the government as the common head of the black as well as the white. It was also contemplated that in time, the amount raised in taxes would be available to meet this machinery. Nearly £16,000 have been so raised in taxes, but a very small proportion has been so expended. The appointment of a single magistrate to each of three or four locations, without any staff whatever, only one of whom has even a safe interpreter, very imperfectly represents so extensive a scheme; and as only about one-third of the native population is thus indifferently provided for, it cannot be looked upon as a system in any respect.
- " 4 In my letter above alluded to, I have shewn that in consequence of the want of means to establish a regular system when the natives were in circumstances to bend to any wholesome controul, their views and feelings had become so altered, that the advantage of the opportunity has been lost by delay; and, as a consequence, the daily contact with the white population which the position of the locations renders inevitable, from their being mostly bounded by farms, has more of an irritating than a beneficial influence over both classes of Her Majesty's subjects. It was contemplated that this intermixture would have tended to amalgamation and union of interests, and had efficient means been available to prepare the natives for their position, such might have been the case; as it is, however, I regret to say the opposite is most likely to ensue; added to this, a necessity exists, as I learn from the Lieut.-Governor, that considerable portions of land must be taken out of the locations for the purpose of indemnifying claimants to farms. His Honor having expressed his intention of recommending to the Right Hon. the Secretary of State, the removal of the natives from the locations; and having, moreover, commenced this measure by selling at public auction, in allotments, a portion of land to which a chief and tribe have an aboriginal claim, extending uninterruptedly through all the vicinities of native warfare, over several generations, and by far the strongest in the district, I have thought it advisable to consider whether I could devise any other

- scheme, as the government seemed about to abandon the former one ; and proceed to point out the only other which appears to be safe and just.
5. To set apart a section of country for the permanent accommodation of the natives, so that they may not be mixed up with the white inhabitants as they are at present ; and abolish the locations altogether.
  6. To carry out this measure with any degree of safety, it is absolutely necessary that the appropriation of lands for their use should precede the touching of the locations ; and that it should have a permanency imparted to it, which it is now found neither the locations nor special appropriations to particular chiefs were ever invested with. I am strongly of opinion that it would be far safer to abolish the locations altogether, than to "cut them up by degrees." If the latter is necessary, I would recommend the adoption of the former as the safest means of accomplishing it.
  7. To resume tract after tract of these lands for the purpose of forcing the natives into a narrow and inconvenient compass, will, from the constant irritation caused by the process, tend more to make them robbers and banditti, than willing laborers. Rather let the government evince a paternal regard for their welfare, as well as for that of its other subjects, by making first an ample and permanent provision in land for them, and then announce to them that it finds it inconvenient and undesirable for both parties that their locations should be intermixed with the whites ; and that therefore it has provided amply in this respect for their wants elsewhere. They would understand and appreciate this, and I believe their peaceable removal might be accomplished.
  8. The next point to consider is, what part of the District is available and adapted to such a measure ? Upon considering the present state of the District with regard to its occupation, I must acknowledge I know of no part within it that I could point out as likely to be rendered available, unless it be the country south of the Umcomas. It has but few registered farms in it, and only two or three, so far as I am aware of, are occupied. The present location lands will furnish abundant means for ample and desirable compensation to the claimants ; and as they would be brought nearer the markets, I should anticipate very little difficulty on this head. The assignment of this part of the District to the natives would moreover assist the adoption of certain other plans which I propose presently to detail.
  9. The Umkomazi river would be a natural and well defined boundary between black and white, from the Drakensberg to the sea, and between it and the boundary of the District, every description of land required by the habits of the various tribes would be found. In the location of natives it is necessary to know that customs, habits, and usages vary according to the particular character of the country on which they live. Thus a tribe living on the sea-coast would experience great inconvenience from being removed inland and "vice versa".
  10. It is possible that the country above mentioned may prove too small for the accommodation of so large a mass of population ; if so it could be extended towards, or to, the Umtamvula river, commonly called the Umtafuna. The country to this river has already been ceded by Faku. It must also be borne in mind that it was in contemplation to establish two locations for natives south of the Umcomanzie, so that the country which would cease to be available for the white population by the assignment of the whole of the country beyond that river to the use of the natives, would not be so great as appears at first sight, whilst the lands restored to government, at present used as locations, would be considerable as well as valuable.
  11. Land appropriations for the use of the natives must, to answer the end for which they are designed, be permanent, and I see no means by which this can be attained so effectual or desirable as the vesting of it in Trustees in accordance with the recommendation of the Commissioners for the location of natives, made in 1847.
  12. Under such a plan the principles of Government described in my letter of the 7th April last, already referred to, would I think be sufficient for their management.
  13. I would recommend that two or three magistrates should be placed along the border on the northern bank of the Umkomazi River to regulate the intercourse of black and white, especially in regard to trade, and act as a check on the indiscriminate travelling about of the natives, which is now becoming a matter of so serious complaint within the district.
  14. The removal of the natives will require two seasons or eighteen months be-

fore it can be completed, and the announcement of it must be accompanied by that of the conditions upon which such *individual* natives as wish to remain will be allowed to do so, because that it is probable that a considerable number will be anxious to avoid so distant a removal, and these would hasten to take advantage of the condition that enabled them to do so, so that the beneficial effect in the matter of labour would be immediately and generally felt.

- " 1st. They should be prohibited from residing on any government ground or unoccupied farm.
- " 2nd. Should the government desire to retain any number of men for the purpose of carrying on public works, such might be placed on particular spots of crown lands, with this understanding; these should be *individuals* having head men placed over them by the Government, and not tribes.
- " 3rd. With this exception and such as reside in townships and mission villages all must make some arrangement with a farmer to reside on his land, the conditions would of course be left to the parties concerned.
- " 4th. To encourage farm labourers and at the same time check the assembling of an unnecessary number on one farm to the annoyance of its neighbours, it might be desirable to exempt from taxes to the extent of six householders to each occupied farm of six thousand acres, and to hold the proprietor responsible for the taxes due on any excess of that amount, I adopt the number six, because it is the one ordained by the Volkraad, and is I think considered sufficient for all ordinary farming purposes.
- " 5th. Constant minute periodical inspections of all crown lands and unoccupied farms would be indispensable, to prevent the congregating of idlers and to render the measure efficient. This duty might devolve upon the Field-cornets.
- " 15. I do not think the adoption of this plan should necessarily affect the various mission stations already established in the district; they might be left as native villages with crown reserves of from 6,000 to 10,000 acres of land attached to each, giving the resident missionary a sort of municipal authority therein, and granting vested rights to such of the natives belonging to them as can appreciate property in land and desire the comfort of more substantial dwellings; a native on the Rev. A. Groot's station on the Umvoti, has planned a house 40 feet long, to contain six rooms, and built of burnt brick, such an one can well understand property in land, and I have no doubt that many others, altho' not so enterprising, are sufficiently advanced to appreciate and wish for this privilege.
- " 16. The moral improvement of this people has always been an object of great solicitude with Her Majesty's Government, upon whom the responsibility of their future condition will ever rest, and altho' the recommendations made in 1817, are now supposed to be so far unsuitable, as to require their substitution by others, the necessity as well as the duty remain the same; to discharge those it appears to me that Government should afford liberal assistance to mission operations out of the money from the native taxes, so that a system of missions might be established by which the territory the natives are located in, may be dotted over with stations on one uniform system of teaching and management; savages cannot understand sectarian differences and peculiarities, and to make a parade of these to them for their election is but to neutralize the object in view, and to provoke the retort so frequently heretofore used, "before you try to teach us, agree among yourselves." I would not be understood as advocating government interferences in such a matter, on the contrary, I should much deprecate it. I would, however, that it should exercise the discretion which providence has placed in its hands, as the paternal head and guardian of such a mass of grown up children, by selecting and employing such an agency, as in its judgement appears the best calculated to attain the object sought after, and above all to secure uniformity.
- " 17 It is however evident, that so large a mass of natives congregated on one side of the district will eventually become dangerous to its peace, and perhaps to its existence, to prevent this a counteracting agency must also be established, the object of which should be to ensure a proportionate amount of physical force, as one of the great sources of permanent safety to the white

- population in this section of South Africa, and that force should be distributed as to impart to it an advantage in local position.
- "18. In this remark, I have in view as well the interests of the inhabitants of the Eastern districts of the Cape Colony, as those of the population of Natal, because I believe that a very few years will render them identical on this point.
- "19 The repeated occurrences of war on the Frontier of the Cape Colony, shews that the Kafirs must have some resource which secure, to them more or less of impunity in the prosecution of these contests. I think this will be found to consist to a considerable degree in the extensive unoccupied country in their rear, they have nothing to fear from behind, they can send their cattle to this open country, where they are comparatively secure; while they remain on the Frontier to harass the troops and plunder the colony, and while such remains the case, the most efficient Frontier policy that can be devised will still fail in procuring permanent peace. I think the present Kafir War proves this, a vigorous system was in efficient operation, one which was looked upon by most men of experience, as the best adapted for the purpose, yet in the midst of its success, some of the most powerful tribes rebelled, and the present struggle is the consequence, it must however be borne in mind, that a section of British Kaffraria has remained faithful. The tribes inhabiting it, have not the advantage of a large and unoccupied territory in their rear, while all who have are in open hostility against the Government.
- "20] The same cause operating, a like result will sooner or later follow with regard to this District, and considering its position with regard to the Cape Colony, I believe the same remedy would avail to check the evil consequences to both.
- "21. A reference to the map of South Africa will shew that the country between the District of Natal and the frontier of the Cape colony it is comparatively small, and is enclosed on three sides by British territory and the sea.
- "22. To connect Natal with the Eastern frontier of the Cape colony by an intervening settlement and a chain of military posts, is the remedy I would suggest as calculated to secure the peace of the District, as well as, to a considerable extent, that of the eastern frontier.
- "23. The new settlement might extend to the Umtavula River north, to the Umtata River south-west, and about inland on the Sovereignty. The mouth of the St. John's river is almost centrally situated on its coast as the principal sea port.
- "24. A strong military force will be necessary at the mouth of the St. John's, and from it two lines of posts might extend, the one to Natal, and the other to the lines already established by His Excellency Sir Harry Smith in British Kaffraria. I feel great diffidence in approaching a subject which I cannot be supposed to be much acquainted with, but as I have observed the operation and effect of military posts for many years, and as the establishment of a line of them is a material element in the plan I am discussing, I have ventured, at the risk of being thought presumptuous, to explain so far as is necessary to elucidate the scheme.
- "25. If the Natal natives are placed south of the Umkomanzi river, a strong military post will be necessary in that territory; a smaller one for communication would connect it with the capital of this District. These might form the first links in the chain.
- "26. I would suggest that the posts be of two classes,—the first to consist of 200 men; the second of only 100; half the strength to be cavalry, especially south of the Umsinwubu or St. John's river. The average distance between them from 40 to 45 miles, so that including the two above mentioned, one first class and four second class posts would serve to connect Pietermaritzburg with the forces at the St. John's. The one large and two small might receive their supplies through Port Natal, the other through St. John's river.
- "27. Beyond that river five first class posts, and one of the second class would connect the St. John's with the mouth of the Kei, and the line of posts originally established in British Kaffraria, and might be stationed as follows:—Buntingville, 100 men; Umtata river, 200 men; Bashee, 200 men; Butterworth Mission Station, 200; Shaw's Fontein, 200 men; mouth of the Kei, 200 men. The first two of these could be supplied from the St. John's



and the others from the Kei river, the mouth of which has been entered by a vessel during this war. Thus the necessary force would be as follows :—

Between Pietermaritzburg and the St. John's river, one large and four minor posts	600 men.
Between the St. John's and British Kaffraria, as bounded by the Kei, four large and one minor	900
St. John's mouth	300
Mouth of the Kei	200
<b>Total</b>	<b>2000</b>

- " 29. The salutary effect of military posts in checking warlike tribes, has, I think, been fully shown during the present war on the frontier of the Cape colony by the restraint they imposed upon the tribes in rebellion against the government, at its commencement. I think it is admitted by all capable of judging, that had His Excellency Sir Harry Smith not persevered in holding possession of his military posts in British Kaffraria, the frontier districts of the colony would have been over-run and devastated, before the colonists could have had an opportunity of concentrating, and most of the wavering tribes would have been precipitated into the war, in consequence of their withdrawal, had it taken place.
- " 30. It appears from the natural course of events, inevitable that the country I allude to, must, for the safety of both colonies, be controlled generally by the British government. This control can only be based upon military occupation. It is obvious, however that a mere line of military posts would be inefficient of itself, entail great expense, and not afford any adequate advantage to the Imperial Government. An intervening British settlement, therefore, placed as I suggest, would, in my opinion, make up the deficiency, and a mutual advantage be the result.
- " 31. A weighty circumstance must not be lost sight of in the consideration of this important subject, which is this,—the emigration of the natives along the coast is almost invariably from north to south. Thus, from the Zulus on our northern boundary, they are received by Natal, and as they become dissatisfied with the restraints of this government, they gradually move on to the country in question, where they will ultimately become amalgamated with the tribes at present at war with the Cape colony, and the result, in a few years, will be that the whole of that territory will be densely inhabited by a population of blacks inimicable alike to this District and the Cape Colony; furnished with at least two sea ports, where arms and ammunition could be supplied to them without the possibility of any check being exercised by the government.
- " 32. The country which I thus propose we should occupy with a British colony, is partly occupied by the chief Faku, and a few other tribes, but is principally waste. In proposing this plan I do not feel it necessary for me to discuss the question as to how far we are at liberty in justice to the natives to occupy a country over which they claim some right but do not really cultivate or use. Much has often been said in favor of such rights which cannot be assented to. Circumstances will force the civilized man when he inhabits the same country with the savage, to encroach upon the unoccupied lands claimed by the latter. It is undoubtedly, however, incumbent upon a civilized government to prevent any substantial injustice being committed, and I think it is quite impossible to arrange such questions so that the interests of neither party suffer.
- " 33. In the present case I do not anticipate complaint, if sufficient lands, and of suitable quality, are secured to Faku and the other smaller tribes. All, with the exception of Faku, have, I believe, at different times tendered their allegiance to this government, and desired to be admitted under the general rule. Faku himself has a treaty with the Cape government, offensive and defensive, in virtue of which he counts upon our protection. This treaty, which also recognized his paramount chieftainship over the whole of the country I have described, is dated the 7th October and 23rd November, 1844,—it was negotiated by myself by direction of the Governor of the Cape colony.
- " 34. Faku at that time expressed to me his intention of moving towards the Umsinkulu River, to the country of his forefathers; he therefore would probably move without reluctance from the immediate neighbourhood of the post.
- " 35. I apprehend that the political circumstances which rendered desirable the

acknowledgement of his supremacy over so large a tract of country, have now ceased to have any weight; his relinquishing it would in reality be surrendering a right acknowledged only by us, and never asserted by himself. There is, however, space sufficient to provide abundantly for Faku and the other tribes, as well as to carry out the plan I have recommended.

- "36. The advantages to be looked for from its adoption, are, I believe, very great, both to this District and the Cape colony.
- "37. Assuming a position, admitted I think by all acquainted with the subject, that the only basis upon which permanent peace can be secured is the assumption of a general control by the government over all those tribes, it is provided for by the line of posts.
- "38. Considering that in a few years an immense black force, the majority of which would be hostile to both this District and the Cape colony, would otherwise fill up this country; the establishment of a British settlement prevents such a contingency.
- "39. Assuming that the great temptation to frontier wars, and the comparative impunity with which they are carried on by the Kafirs, is to be found in the immense open country to which they can send their property for safety, an intervening colony, combined with a line of posts, will prove an effectual check upon this, both as regards Natal and the Cape Colony.
- "40. By locating the Natal natives between the Umkomazi and Umtafuna or Umtavula rivers, they would be placed in a body between two white colonies in a position which, with anything like management, would preclude the possibility of their ever becoming dangerous enemies.
- "41. The inland boundary of the new colony or district would abut on the Sovereignty, whence to the St. John's River a direct route for foot passengers already exists, and there is little doubt that one for vehicles might also be found or made, thereby conferring a great benefit on that District.
- "42. The extent of the country I have described is about equal to the District of Natal, and does not fall short of it in its capabilities for grazing and agriculture; while it has an advantage not possessed by Natal, of an immense forest of timber, extending in some places to within two or three miles of the sea coast.
- "43. It would be an advantageous field for directing a position of the emigration of the United Kingdom to, particularly as no pre-occupation of it by the Whites has taken place to embarrass the question of land claims.
- "44. Should Her Majesty's Government decide upon directing Emigration thither, I would suggest that the enrolment of all the male adults for purposes of defence be insisted upon as an indispensable condition, difficulties seem to have arisen in the way of establishing a militia in the Cape Colony or here, but such a force should exist.
- "45. With the present war raging on the Frontier and Eastern district of the Cape Colony, it would be premature to speculate upon the reduction of troops on the immediate frontier, that might be effected should this scheme be brought into operation, this can only be decided when the rebellion shall have been effectually suppressed.
- "46. A small steamer visiting at short intervals the different ports on the coast, as far as Port Natal for the purpose of conveying supplies and mails, would be a great advantage, because it would be a sure and speedy transit of intelligence to the seat of the supreme government, independent of the contingencies to which land conveyance in this country is liable; the advantage to trade would also be material.
- "47. The expense of such a plan is perhaps the greatest difficulty to be encountered, and while I must admit it will be very great, I do not think it can be compared with the immense amount of treasure it has become necessary to expend in the prosecution of these frequent Kafir wars; as I have already stated, I believe no where frontier policy, be it what it may, will or can prevent the occurrence of these wars, some such comprehensive plan as I have sketched, is necessary, and its adoption would, I conceive, be an actual saving in expenditure, in the course of a few years, while it would open a fresh and desirable field for Emigration, and consolidate British power and influence in South Africa.
- "48. Eventually the natives themselves should be made to contribute towards it; some time would elapse before any direct taxation would be brought to bear upon the individuals of tribes, but the chiefs might soon be made to pay an

annual tribute in cattle or such other produce as might be available, on a principle similar to that mentioned in the 9th and 10th paragraphs of the Right Honorable the Secretary of State's despatch to his Excellency the Governor of the Cape, dated 30th November, 1849, No. 400. The amount of the levy must of course be proportioned to the numbers and circumstances of each tribe.

" 49. In my enumeration of the advantages which I will attach to the plan I have thus imperfectly sketched, I have been anxious to avoid the appearance even of special pleading or high coloring. I have thought much of our position in South Africa as a government and while I cannot help feeling great regret that the scheme submitted nearly five years ago, by the Commissioners, has not been adopted, and under present circumstances I fear cannot be adopted with any likelihood of success. I have also been impressed with the necessity of considering some other that might with safety be substituted for it. The present Kafir war, and the evident sympathy of color that exists among the black nations, have contributed to render the question of much greater importance than at first sight it assumed, and suggests the idea, that as the interests of Natal and the Cape Colony are one in this respect, so also must the measures necessary to restrain the colored population, and conduce to the general safety, be comprehensive and uniform, and I trust I may not be considered as presumptuous in thus offering the result of my reflections for the serious consideration, which the subject of them appears to me to demand.

" 50. I am aware His Honor the Lieutenant Governor may not feel at liberty or inclined to adopt or discuss any part of the plan I have proposed, I have therefore to request he will be pleased to forward this communication through His Excellency Sir Harry Smith, to the Right Honorable the Secretary to State for the colonies.

I have the honor to be, Sir,  
Your most obedient servant,

(Signed) T. SHEPSTONE, Diplomatic Agent.

55. You have stated that the natives would be moved beyond the Umcomas without any difficulty?—Yes, under certain provisions, such as those named in the beginning of the letter I have just read.

56. What reason have you for thinking so?—My general knowledge of them.

57. But supposing they refused, how would you enforce their removal?—I have proposed that the whole plan of the government should be explained to them, and also that they should be informed that the government have a parental regard for them. I may also state as a ground for my belief that the thinking portion of the Kafirs believe that they will not be able to retain their present position with regard to the whites for a period.

58. But supposing you fail to convince them of the advantage, would you enforce their removal?—I cannot contemplate such a contingency, when I know that the thinking men amongst them are anxiously looking for some permanent provision to be made for them.

59. But I am anxious to know, as a measure of policy, whether if they refused you would enforce them?—I would not enforce them.

60. Supposing you partially succeed in convincing the Kafirs that their removal would tend to their advantage, what would you do with those you failed to convince?—I would give them time to consider of it, I do not think I would adopt this measure in the shape of an order.

61. Then do I understand that you would do it as a proposal?—

I would explain to them the views of the government in regard to them.

62. Seeing that the Kafirs have had certain locations assigned to them, and that they have in some instances been removed to them, and that in some instances that was done unwillingly, and in one instance with some show of resistance, why do you contemplate greater success in this instance than you experienced in the other?—Because they see no certainty in the present land appropriations for them. They also feel the inconvenience of their position in the different locations.

63. Don't you think it would be a breach of faith now to remove them from the locations, after their having been told that government had assigned them those locations?—I think it would be a breach of faith if done for the convenience of the government only.

64. Then you don't apprehend that having once broken our faith with them they would regard this second act with much suspicion?—Some of them probably might, but the circumstances under which they would be placed would be different.

65. Do you think then that their feelings towards the government, even if they did go, would be favorable or otherwise?—I think they have failed to perceive in the government the parental regard which they had anticipated.

66. Would not that feeling be increased by an obvious breach of faith on the part of the government?—I do not admit that it would be an obvious breach of faith. I have no doubt that in the minds of many, a great deal of suspicion would exist as to the permanency of even this provision. The natives themselves perceive that circumstances have altered since they were placed in the locations, and they feel that they cannot long maintain with safety to themselves the position they occupy with regard to the whites; they therefore naturally look to the government to extricate them from a difficulty unforeseen by them, and brought about since the establishment of locations.

67. Have you calculated, supposing you got them there, how you would keep them there?—I would station 3 or 4 magistrates along the River Umcomas, who should regulate the ingress and egress of the Kafirs.

68. Can you inform us of the length of the line of boundary from the Drakensberg mountains along the Umcomas to the sea?—About 100 miles.

69. Do you think 3 or 4 magistrates on that line could regulate the intercourse?—If corresponding provisions were made in this District.

70. What provision would you make?—Every native entering this District from the Umcomas must be provided with a pass, and if found without a pass might be apprehended if such a step were found necessary.

71. Would you station any military posts there?—No. I would only have two military posts, one in the middle of the location and the other on the banks of the Umcomas.

72. Would these be Infantry or Cavalry?—Half Infantry and half Cavalry, of course European troops.

73. What do you Estimate the expense of Barracks, Stabling, &c., would be?—I have made no calculations on this head.

74. Would you propose this expense to be borne by this Government?—Not by this Government.

75. Do you think it would cost more than £5,500?—I should think it would.

76. As the English government would not assist us in the proposition of the former Commission, do you think it likely they would do so in this case?—I think it more likely.

77. Would you conceive that this settlement beyond the Umcomas would look to this government for protection or not?—Decidedly. But I don't suppose it possible that they could be attacked, having an English settlement on each side of them.

78. Then you think it impossible for Panda to attack that settlement?—Except he came through this colony or the Sovereignty he could not.

79. Would you move the natives without having the British colony on the other side of them, or the line of posts?—No.

80. Then your plan cannot be partially adopted?—As at present advised, I would not have my plan carried out without the line of posts.

81. Then supposing the British Crown will not establish a British colony at the situation pointed out in your letter, what would you do with the natives in this District?—The only other alternative mentioned by me in my letter to the Secretary to Government, is the establishment of the control recommended by the Commissioners in 1847.

82. Would you draw any distinction between aboriginal and non-aboriginal, or do you think it possible now to draw that line?—I think practically it would be impossible.

83. You have heard the process proposed by Mr. Cloete on that head; could it be carried out?—I think it could not.

84. Are you not aware, Mr. S., that already a proposal has been made to move our natives beyond the colonial boundary, which has been submitted to the Secretary of State?—I am aware. I will read Lord Grey's despatch of 30th Nov., 1839, No. 400, page 198 and 199, Blue Book 1850, paragraphs 23 and 24:—

"23. One of the proposals made, in order apparently to meet these difficulties, is to establish a very limited number of locations with a reduced territory for each, and to remove the rest of the natives beyond the colonial boundary, still maintaining a control over them in the event of the chief, Faku, giving his consent to their settling on lands claimed by him. I cannot sanction a proposal to which there are so many objections. I am of opinion that permanent locations of sufficient extent should be established within the colony; and, that, in selecting the sites of these locations, sufficient intervals should be left between each of them for the spread of white settlements; each European emigrant would thus have it in power to draw supplies of labour from the location in his more immediate proximity. I conceive that it would be no objection to this mode of proceeding, that it would be difficult or impossible to assign to the natives such locations of an extent sufficient for their support as a pastoral people, or at least as a people depending mainly for support on

their flocks and herds. I regard it, on the contrary, as desirable that these people should be placed in circumstances in which they should find regular industry necessary for their subsistence.

- "24. I am aware that in these latter recommendations, I am differing from yourself and from some of the local authorities at Natal; but if the policy of isolating the natives should be adopted, it would, too probably end, sooner or later, in their expulsion or extermination, when the European inhabitants should increase in numbers so as require additional space. No Government would be strong enough to save them from this fate. And the experience of North America and Australia shows what is the result of endeavouring thus to isolate the barbarous tribes occupying lands which are to be settled by civilized men, while the opposite policy pursued by the Government of New Zealand, holds out the hope at least of a result more consonant with feelings of humanity. The separation of the races is no doubt the policy which, in the first instance, presents the fewest difficulties and dangers, but it is necessary to look to the ultimate consequences of what is done.

85. Mr. Shepstone, are you not aware that so far back as 1846, the home government informed the government here that they had had serious opinions of giving up the country altogether, but that the civilization and improvement of this part of Africa were the main objects which induced them to retain it?—I am. I will read Despatch No. 3, dated 4th Dec., 1846, from Earl Grey to Sir Henry Pottinger, page 93, Blue Book:—

"I have had before me the despatches of your predecessor relating to the affairs of Natal, of the numbers and dates mentioned in the margin. By these despatches various questions of great importance, and, at the same time, of great difficulty, are brought under my consideration, of which the first, and that which is necessarily preliminary to every other, is whether it is expedient that this dependency of your government should continue to be retained as a British colony. There are not wanting reasons which might seem to justify the conclusion that it ought not to be so:—the smallness of its European population—its distance from the Cape colony—the demand which, if it is to be retained, it must be expected to occasion upon the resources, and more especially upon the military resources of the empire, are all grounds upon which its abandonment might with much apparent force be recommended; but, on the other hand, the objections to such a measure pointed out by the Lieutenant Governor, in his despatch to Sir P. Maitland, of the 27th of April last, are still stronger, and must I think be regarded as conclusive.

"I cannot doubt that Mr. West is right in anticipating that the withdrawal of British authority from Natal would be followed by the speedy destruction of a large part of the population which has taken shelter under the protection it affords; that the country would be re-occupied by the Boers, who would expel the greater part of the native inhabitants, and subjugate the remainder; and that their being allowed to do so, and the final abandonment by the British Government, of the attempt to maintain its authority in this District, would greatly weaken that authority even in the Cape colony, and encourage the Dutch population which still remains within its boundaries, to follow the example of their countrymen, and emigrate, for the purpose of relieving themselves from a controul which is irksome to them.

"These are consequences no less sure to follow from his adoption of the course I have been considering, than they are earnestly to be deprecated; nor could I without the greatest reluctance, abandon the hope which the communications from Natal appear to me to justify, that this settlement may be the centre of whence the blessings of civilization and christianity, may be extensively diffused amongst the numerous but barbarous population of south-eastern Africa. The account given by the Diplomatic Agent of the state of feeling even now prevalent amongst these tribes, as to the value of British protection, and the advantages of living under British authority, is most remarkable, and justifies the opinion which in forwarding this account the Lieutenant Governor states to be entertained by the missionaries and other persons who take an interest in the welfare of the natives, "that measures can be adopted for their controul and

protection under the government, they will rapidly advance in civilization, and their improvement will exercise an important and beneficial influence to a great distance in the interior of Africa." The civilization and improvement of the inhabitants of this part of Africa, are, then, the main objects to which I look from the maintenance of this colony. No doubt, if these can be attained, other advantages will follow in their train; a population already considerable in numbers inhabiting (if I may credit the accounts before me,) a region of the earth among the richest that are known in natural resources, cannot become civilized and industrious British subjects without adding to the strength and greatness of the empire, and creating a new field for commercial enterprise, and a new demand for our manufactures. Still it is mainly for the benefit of the native inhabitants of Africa, that this colony is to be maintained, and therefore it is only just to require that no part of the cost of supporting it for which they can be made to provide, should be thrown upon this country. Nor do I think it impossible that the colony of Natal may be so managed as to prevent it from bringing any considerable or permanent charge upon the British revenue.

In 1849 the Secretary of State writes :—

"4. When I was called upon in 1846, to decide whether it was expedient to retain Natal as a British colony, I stated my conviction that the withdrawal of British authority from the district would be followed by the speedy destruction of the black population which had taken shelter there; while, on the other hand by taking proper measures for their control and protection under the Government they might rapidly advance in civilization, and their improvement would exercise an important and beneficial influence to a great distance in the interior of Africa.

86. Under these circumstances would you recommend the removal of any of the natives out of the District?—The despatches reckoned upon contingencies which have never happened.

87. How would you introduce recommendations made by the Commission in 1847?—If it were decided that those recommendations were to be instituted nevertheless I would do all in my power to forward them.

88. Could they now be introduced?—So far as the appointment of the officers is concerned, they could be introduced, but it would not be with the same prospect of success as in 1847.

89. To what do you ascribe the difficulty of obtaining labor?—I cannot ascribe any particular cause; many causes operate.

90. Do you think that the extent of the present locations, and the comparative ease with which the Kafirs can therefore support themselves, is amongst the causes?—I think the facility with which they can raise the means of supporting themselves is among the causes.

91. Dont you think the present locations might be reduced in size?—I think it would be a very dangerous experiment.

92. Why?—For the causes which I have noticed in my letter of 9th December, 1851. It would cause a considerable degree of irritation.

93. Dont you think that if the Kafir tax were increased from 7s. to 21s. the Kafirs would abandon the District without our interference?—Yes.

94. Is that therefore the safest course?—Certainly not.

95. Why?—Because they could only go to the south of this District, where they would become a formidable and a hostile power.

96. But you have already said that their feeling would not be very favorable were they removed to the Umcomas?—I think my former answer had reference to the suspicion that would attach as to the permanency of the provision, and not to their entertaining any hostile feeling.

97. Are you not aware that there is migration going on from the District at this moment?—I am aware there is.

98. What do you consider has produced that?—I think it arises from the general feeling of uncertainty as regards their position in this District, and to avoid the payment of the taxes.

99. Do you think the system, as now in force, and as it has been in force since we came, can be continued with any degree of safety to the country?—I think the want of any uniform system, as has been the case, has a dangerous effect on the safety of the country.

100. Have you any idea of the number of natives that have already migrated?—I have not.

101. Do you know what will become of the frontier Kafirs after they are driven over the Kei?—I presume they would still be frontier Kafirs on the Kei border.

102. Would not that have some effect upon us?—The nearer they come to us of course the greater the effect upon us.

103. Have you any idea of the distance between the Kei and the Umzimvubu?—About 150 miles.

*By Mr. Scheepers.* 104. Do you know the country between the Fish River and Graham's Town?—Yes.

105. If the government, after the war is finished, should grant a large location to the frontier Kafirs in the neighbourhood of Graham's Town, what would the Graham's Town people say?—I really cannot say.

106. Would they be satisfied?—Certainly not.

107. If the government here place large locations near the residences of the white population why should we be satisfied?—I don't understand the question.

*By Mr. Labuscagne.* 108. Have you experienced since your arrival in this colony that the Kafirs have advanced greatly in civilization?—No.

*By Mr. Spies.* 109. Do you think that the Kafirs, left as they are now, will advance more in civilization and christianity than if placed under magistrates and missionaries?—Certainly not.

110. Are you not also convinced that where the exertion has been most used the greatest disasters have arisen?—I am not sufficiently acquainted with the missions on the frontier, and in the colony, to be able to answer this question generally. With regard to that section where I am more acquainted, those native tribes now acting as allies are under the influence of missionaries.

111. Don't you think that it is from a humane feeling that the English government shew more leniency to the blacks than to the poor white christians?—I think that in some instances this feeling has been carried too far.



112. Dont you think that through this a great many evils have occurred, and will occur to the colony?—I have already said that the evils have occurred by the want of proper control being instituted at a proper time.

113. Do you think that any savage as long as he is not brought under a civilized law can be made a christian of?—I think a man can be christian under any law.

114. But can he be a christian before he is subject to moral law?—Certainly not.

115. Dont you think then it is necessary to subject him to this law before you attempt to make him a christian?—I think it impossible for a man to be a christian unless he is a moral man.

116. Dont you think then that it is hard that a government should give to savages a greater protection than to those who are christians?—If such were the case I should think so.

117. The same advantage which the white man enjoys, the Kafir also enjoys, but dont you think that the emigrant boer is jealous of these advantages?—I have no reason for saying so.

118. Do you think, or do you not think that the farmers are as anxious as others to see the Kafirs brought to christianity?—I have no doubt they are.

119. Do you think that the Kafirs when christianized will not be respected?—I believe they would be respected.

*By Captain Struben.* 120. Do you not think that the views of the home government, since the commencement of the war, and within the past few years, have considerably changed, and particularly with regard to this colony?—With regard to the Kafirs of the frontier certainly.

121. Dont you think that as the frontier colony is so near that the same opinion adopted with respect to the Kafirs there, will be adopted as to the Kafirs here?—To a very great extent.

122. Has the improvement in the natives, contemplated by Earl Grey, for which he would hold the colony, taken place?—No.

123. Are you aware if that fact has ever been fully and properly represented to the home government?—I believe the letters I have read to-day have been transmitted, and they would show that that improvement has not taken place.

124. Do you not think that the war of extermination which has now been proclaimed on the frontiers, is the result of over leniency to the Kafirs?—I think that the vacillating policy which has been observed by the British government towards these frontier Kafirs has, together with the propensity to cattle stealing, had much to do in bringing about the different Kafir wars.

*By the President.* 125. Was the 28th section of the Royal Instructions communicated to the natives in this country?—My impression is, this was not specially proclaimed to the Kafirs.

THEO. SHEPSTONE.



**PROCEEDINGS**  
**OF THE**  
**C O M M I S S I O N**  
**APPOINTED TO INQUIRE INTO**  
**THE PAST AND PRESENT STATE OF THE KAFIRS**  
**IN THE DISTRICT OF NATAL, AND**  
**TO REPORT UPON**  
**THEIR FUTURE GOVERNMENT, AND TO SUGGEST SUCH**  
**ARRANGEMENTS AS WILL TEND TO SECURE THE PEACE**  
**AND WELFARE OF THE DISTRICT,**  
**FOR THE INFORMATION OF**  
**HIS HONOR THE LIEUTENANT GOVERNOR.**

---

**PART II.**

---

**NATAL:**  
**PRINTED AND PUBLISHED BY J. ARCHBELL AND SON, AT THE**  
**OFFICE OF THE "NATAL INDEPENDENT," AND "NATAL**  
**GOVERNMENT GAZETTE," PIETERMARITZBURG.**

**1852.**

*[Price One Shilling and Sixpence.]*



## PART II.

### NATIVE COMMISSION. SEVENTH MEETING.

*Wednesday, 24th November, 1852.*

#### PRESENT.

The Hon. W. Harding, Esq., *President.*

The Hon. John Bird, Esq.

Caspar Labuscagne, Esq.

Theunis Nel, Esq.

Theophilus Shepstone, Esq.

John Moreland, Esq.

J. N. Boshof, Esq.

W. Macfarlane, Esq.

F. Scheepers, Esq.

The minutes of the previous meeting were read and confirmed.

Mr. Moreland enquired of the Secretary why an official copy of the evidence already given has not been printed, and a copy placed in the hands of each Commissioner before this sitting, and why it should appear in the *Independent* before the issue of the *Government Gazette*? One great object of the Commission in refusing Mr. Buchanan's application, being to avoid the reports appearing in a local newspaper before being published officially.

The Secretary explained that he had made repeated applications to the printer for the supplement to the *Gazette* of the 9th of November, which, up to this time, has not been fully completed. Copies, as far as complete, have been laid upon the table.

The President moved that the official evidence shall not be printed in any other newspaper until it has been published in the *Government Gazette*, unless in cases where the notes of the evidence are taken by, and on behalf, of the editors of the newspapers themselves.

Seconded by Mr. Bird, and carried unanimously.

Moved by the President, and resolved—

That the Secretary be instructed to ascertain from the printer whether the evidence can be printed with greater expedition than has hitherto been used.

Mr. Shepstone proposed, as an addition to the list of persons to be examined—

The Rev. Alden Grout, and

The Rev. Louis Grout.

Mr. Moreland proposed for examination,

The Rev. J. Davis.

Mr. Moreland proposed giving previous notice to parties who are to be examined.

Resolved—That this point stand over for decision at the close of the present sitting of the Commission.

The President put to the meeting whether it is expedient to hold sittings at D'Urban for examination of witnesses; and if so, whether all the members of the Commission, or part of them, go thither, as the Instructions give power to the Commission to appoint Sub-Committees from amongst their number, and moved—

That a Sub-Committee be appointed to sit at D'Urban.

Seconded by Mr. Bird.

Resolved—That a decision be given on this point at the close of the present sittings.

Mr. Shepstone proposed that he be furnished with the questions which are to be asked him, some time previous to his examination, as the Commission is formed to elicit truth and deliberate opinion, and as he finds it impossible to answer questions of such great importance at the moment.

The President put the question, and remarked, that he preferred questions and answers being given at the time.

*Ayes.*  
Mr. Shepstone,  
Bird,  
Macfarlane,  
Moreland.

*Noes.*  
Mr. Boshof,  
Labuscagne,  
Nel,  
The President.

The President proposed proceeding with the examination of Mr. J. N. Boshof, one of the members of the Commission.

Mr. Bird objected. He would rather examine gentlemen from the country, whose evidence is important, and who happen to be just now present. He proposed to examine Mr. J. F. Van Staden.

Seconded by Mr. Macfarlane.

The President's proposition was put—

*Ayes.*  
Mr. Nel,  
Shepstone,  
The President.

*Noes.*  
Mr. Bird,  
Macfarlane,  
Boshof,  
Labuscagne,  
Moreland.

Amendment carried by a majority of two.

Mr. Van Staden's examination commenced and concluded.

Mr. J. N. Boshof's examination commenced and concluded.

The President moved that Mr. C. Preller be examined to-morrow morning.

Carried unanimously.

Meeting adjourned at half-past five o'clock until to-morrow (Thursday), at nine o'clock.

(Signed) EDMUND TATHAM, Secretary.

*Jacobus Frederik van Staden*, called in, and examined.

*By the President (Mr. Harding).* 1. Where do you live?—On the banks of the Tugela.

2. When did you come to this country?—In 1841, and I have been here ever since.

3. Were there any natives in this country when you came here in 1841?—There were a few kraals, some at the Zwaart Kop, some at Mooi River, others near Pretorius's farm, and others near Mr. Potgieter's farm, under Jomahashe.

4. How many were there, do you think, in the colony when you came?—I did not go about the country much, but, from what I know, I should say there were about 3,000 or 4,000 natives.

5. How many do you think there are now?—I think more than 100,000.

6. What has caused this increase?—I think that the cause of this increase has been that the natives in adjoining countries have found here an opening for their protection.

7. Was there any other cause?—I cannot say; but from what I have heard from blacks and whites, the Zulus have never conquered any country without first filling it up with deserters from themselves.

8. Can you name any country in which the Zulus have thus acted?—The country in which they now reside, and which belonged formerly partly to the Umtetwa tribe, they subjugated in that manner.

9. Where did the Zulus live when they did this?—As far as I know they lived under the Drakensberg, to the north. They were then small in number.

10. Were the Umtetwas a small nation?—They were then, and are even now, a large nation.

11. Is there any way of preventing the accession of natives to this colony?—The only way of preventing the Zulus coming into this country, would be a chain of posts along the Tugela.

12. How many posts?—I think that eight or ten such Posts between the mouth of the Tugela, and the sources of the Umzinyati, would be sufficient.

13. What is the distance between the mouth of the Tugela and the spot from which the Umzinyati issues from the Drakensberg?—I think the distance from the Tugela to where it is joined by the Umzinyati, is about sixteen hours on horseback. I am not acquainted with the distance from that point to where the Umzinyati rises in the Drakensberg.

14. How many men would you have at each Post? and should they be white or black? mounted or on foot?—I would have 50 mounted white men at each Post.

15. Is not the country on both sides the Tugela very rugged and bushy?—On this side it is very rugged and bushy, more so than on the other.

16. Where would you have the Posts?—I would have the first Post at the mouth of the Tugela; and the second at the place of

Hans de Lange, which is a distance of about four hours on horse-back. There are several places between these through which refugees could cross.

17. Would you propose that the men should patrol day and night between these Posts?—Yes. Otherwise the boundary could not be protected.

18. Would you adopt such a method with the whole chain of Posts?—I would.

19. Could you convey provisions and rations from Pietermaritzburg or D'Urban to all these Posts?—Easily.

20. Have you any idea what the whole expense of such a plan would be?—I cannot form any opinion upon the subject.

21. Can you form any opinion as to what the transport of wagons, &c., would cost?—I cannot say.

22. Have you been to the Bay of Natal lately?—No.

23. Do you know what it costs yearly to supply the troops at Fort Napier from the Bay?—I do not.

24. Can you propose any other plan of preventing refugees from entering?—I know of no other plan than that suggested.

25. Do you know anything of the Kafir laws?—Not much.

26. You are aware that certain locations have been formed?—I do not know.

27. Would you continue the Kafirs living as they are now?—I would not.

28. Why?—Because it is the nature of the Kafirs to give refuge to refugees, and other deserters; and also because they are so mixed up with the white population, that if they were to rise we could not escape. I cannot give any other reason without time to consider. I wish to think of it till to-morrow.

29. What would you do with the natives, if you did not continue their position as at present?—I would move some over the Umzimkulu, and others over the Tugela.

30. How would you move them?—I would move them by degrees, in small bodies, so as to diminish their numbers.

31. Where would you commence?—At Mr. Grout's station.

32. What would you tell the natives?—I would tell them that they were moved because they were unwilling to work for the inhabitants, and also because they were unwilling to pay their taxes.

33. Supposing they said they would not go?—Then we have not the power to force them.

34. Such being the case, would you still advise their being removed?—I would not interfere with them, so long as I had no power to enforce them.

35. Do you consider it would be right that the Government should remove the Kafirs from locations which have been assigned to them, seeing that you think they will not work or pay tax?—I think they would be justified, by the fact that no black nations have remained peaceable hitherto, while continuing to live among the white population.

36. Would you explain this to them?—Yes, I would do so.



*By Mr. Macfarlane.* 37. Are the Kafir wives the purchased slaves of their husbands?—They are.

38. Do you think polygamy amongst the Kafirs should be prohibited by law?—They would become more serviceable and civilized.

*By Mr. Moreland.* 39. Where are the Umtetwas now living?—They are now living together with the Zulus as one nation.

40. Do you consider that the Zulus now coming into the colony are doing so preparatory to an inroad by that nation, and that the Zulus living here would, in such an event, join them?—I believe that, if Panda invaded this colony, a great portion of the Zulus here would join him.

41. What is your reason for thinking so?—In the first place, they regard Panda as their King; and in the second, if they did not find protection by the English, they would join him to have his protection.

42. What class of Kafirs would you move beyond the Umzimkulu, and what class beyond the Tugela?—I would send those from the Zulu country back to Panda, and the others beyond the Umzimkulu.

*By the President (Mr. Harding.)* 43. Should we get laborers if the Kafirs were driven out?—Many would prefer living with us to returning. The reason they do not prefer this now, is because they are richer than ourselves.

44. What would become of the people you drove back to Panda? What would Panda do to them?—I do not think Panda would kill them all, although he could do so by his law.

J. F. VAN STADEN.

*Jacobus Nicolaas Boshof*, one of the members of the Commission, was called on, and examined.

*By the President (Mr. Harding.)* 1. Are you Registrar of the District Court?—I am.

2. How long have you been in this colony?—I came to reside here in the month of November, 1840, but I was here two years before on a visit.

3. Were you a member of the Volksraad?—I was a member, and for some time Landroost.

4. Can you inform the Commission of the number of natives who were here when you first came?—When I came in June, 1838, I saw a few huts on the Zwart Kop, and some huts from the Umlaas near the mouth, to the Bay. But I heard at the time that the number of natives was computed at 3,000.

5. You did not then visit the whole of the District?—I did not.

6. Did you see any greater number of natives when you came in 1840?—Many more, generally dispersed over the country.

7. Can you form any opinion of their number then?—No. I

only heard that they had considerably increased, by refugees from the Zulu country in great numbers.

8. Did the Volksraad adopt any means to prevent the refugees from coming in ?

" There is no doubt that the Native Location system has been the cause of serious inconveniences and difficulties to the white population in this District, and will tend to far more serious difficulties: and unless a remedy be speedily found, and carried out, it is not at all unlikely that the evacuation of this country by Europeans will, ultimately, be the result.

" This system has been commenced by the natives themselves, fled from the tyrannical rule of the Zulu King, and their great Chiefs; they have sought for, and found, safety and protection amongst the European settlers in the territories of Natal, ever since the year 1839—located themselves principally in those parts of the country which, by their natural positions, are best adapted to afford shelter, or to be defended against any sudden attack from an enemy.

" When these numbers of natives were accumulating very fast, those who had, or pretended to have, any claim to hereditary chieftainship, soon set up some authority, and the natives, accustomed to it, soon became their willing subjects.

" The Volksraad, and the Dutch people, saw what such a state of things would lead to, and since the commencement of the year 1840, hardly a session of the Volksraad was allowed to pass without mooted this subject, and urging that this evil should be counteracted in an effectual manner, before the tribes should become so numerous that insurmountable obstacles would present themselves.

" It was proposed that wherever such settlements of the natives be found, these should be broken up, and excepting such as might be willing to live scattered amongst the whites, in parties of not more than five families to each occupied farm, and such as would find service, all the rest should be directed to proceed to the open and unoccupied country over the Umsimkulu, or return to the Zulu country whence they had come; and that, if need be, they should be compelled to it by force.

" These proposals were generally approved of, and resolved upon, by the *Raad*; but their Commandants, who were the officers to give effect to these measures, were, at first, the most tardy to move in it; because they derived some profit from the labor, and even productions, of the natives. They generally found some excuse or other for delay, until at last, alarmed themselves by the rapid increase of the natives, they began seriously to contemplate the execution of the order of the *Raad*, when the British troops arrived in 1842; and, for some time, the thing was not thought of, as being then utterly impracticable. When, in September, 1843, the Volksraad submitted to the Honorable, the then Commissioner Cloete, in a letter or memorial, a string of suggestions as to their future government, all reference to the natives was studiously avoided, partly on account of the supposed prejudices of the British nation, and Government, in favor of the blacks, and against the colonists, the latter being always looked upon as cruel oppressors, and the former as the unoffending oppressed. For this reason the Volksraad thought that if they then submitted that question to the Home Government, they would necessarily have to go into lengthy detail, for which there was then neither time nor opportunity. Further, they considered that question so urgent as to require the immediate attention of the Local Government, and, therefore, they at once, in a separate document, brought it under the notice of Her Majesty's Commissioner, proposing the immediate removal of the natives. They also reasoned in

this manner—‘If we obtain an elective representative government, as we cannot have any doubt we shall, from the promises held out to us on the part of Her Majesty’s Government, the question of the final settlement and government of the natives, may then be maturely considered, and if we obtain no such representation, it will be in vain to expect anything beneficial to the interests of the District, particularly as regards the black population.’

“There the matter rested, and though, from that time, the Zulu refugees literally poured into the District, they were allowed to locate themselves where they liked. Chiefs sprang up in every direction, and some of them became very powerful. Locations dangerously extensive were granted to them, and, in some instances, most inconveniently situated as respects the colonists. These locations, instead of being reduced, were extended from time to time. Native laws and habits, some most repugnant to the feelings of a civilised man, not to say a Christian, not only winked at, but approved of and established, so that, at the present time, we have actually two separate Governments existing in this District, and a state of things brought about, which seems at last to have opened the eyes of our authorities; but as the natives have now become very numerous, and will now set up claims to rights and privileges, which, five or six years ago, they would not have thought of, and have thus become far more difficult to deal with, any effectual remedy that may even at this 11th hour be proposed, will require not only greater power and expense to be enforced, but a great deal of caution and good management to effect it without serious disturbance and bloodshed.

“The question has, therefore, occurred to me—What can now be done, under the present state of things, to produce a beneficial result, and to secure what, in my opinion, are the main points to be considered, viz. :—

- ‘1. Peace and security within the District, and
- ‘2. The moral improvement of the natives. Establish these, and the rest will follow as a matter of course, even labor may then be, and I have no hesitation in saying will then be, found abundantly, without resorting to compulsion.’

“1 Under the first head of peace and security—

- ‘A. I venture to say, that I think this is not likely now to be obtained by a general removal of the natives from the locations, extensive as some of them are, nor even of reducing all of them, which I think impracticable; and I think that the faith of our Government is too far pledged, to resort to such sweeping measures without cause given on the part of the natives.
- ‘B. Because I think that removing the natives in such masses all to one side on, or beyond, our borders against their will (if we could effect it), is likely to become more dangerous to this District than leaving them in the locations: provided a system be resorted to for their rule and management, far different to that hitherto observed.
- ‘C. Because I think several of these locations cannot, and will not, perhaps, for the next half century, be occupied by white men; and, consequently, be either soon filled up again by fresh refugees, or become the resort of bands of robbers and vagabonds.
- ‘D. Because I think that some of these locations are so situated that, under a good government, they may be made of very important service as a protection of our borders.
- ‘But to obtain this end I think it desirable—
- ‘E. That no claim to any chieftainship, by right of family connection or inheritance, should be, for one moment, tolerated; and to do away with such claims, I would subdivide every large location

under several chiefs, entirely independent of each other, but all subject to a white chief or magistrate. In the selection of these officers, however, wise discretion must be used. If they are unfit, the best measures must fail; no one sooner perceives their incapacity than the natives themselves—they impose upon the magistrate—he upon the government, and, by courting favor with the natives, he becomes their apologist and advocate instead of their chief, and this being the case the natives will soon find that they can, with impunity, evade or trample under foot all law or rule.

‘F. I would prohibit and prevent the use of fire-arms amongst the natives, and their roaming about over the district at pleasure, armed or unarmed; and I would strictly prohibit the sale of intoxicating liquors, as a most effectual means of preserving order and peace.’

“2. To effect their moral improvement, I would bring them all under one general code of laws and regulations for their internal government, which may, from time to time, be improved upon, so as gradually to bring them under the influence of civilised laws and customs, and under such management the exertions of missionaries and teachers will be much more likely to succeed than hitherto.

“3. To encourage habits of industry I would, by every possible means, induce natives to settle out of the locations amongst the farmers, by allowing them greater privileges, such as exemption from, or reduction of, taxes—by altering the method of taxation in the locations, from a hut to a head tax, and by strictly preventing and punishing any squatting on Government lands, not being set apart for locations.

“Fresh refugees may be admitted only upon condition of finding employment, or residing upon private lands.

“This is, of course, a very general and brief sketch of measures which would, in their detail, have to be separately and maturely considered, and which I have only thus shortly stated as my views. Any further elucidations I am ready to give, if required, upon such further questions as may be put to me.

J. B.

9. We are, therefore, to understand, Mr. Boshof, that you would neither discontinue or curtail the present Locations?—I would not recommend some of them being even curtailed, much less discontinued; but I am not acquainted with all. Those that I would not discontinue, are the Mooi River (Impafana), the Umzinyati, and the greater part of the Inanda, because I think they would not be occupied by the white men, at least not immediately.

10. Which of the Locations would you curtail, or discontinue?—I am not prepared to recommend the discontinuance of any at present; although it would be desirable if it could be done. I would curtail the Zwart Kop Location; and from what I have heard, I think the Umvoti and Umlaas Locations.

11. Why would you reduce the Zwart Kop Location?—On account of its situation, intermixed with the white population as it is; and because I think those lands might also be used, and would find other occupants.

12. Would not the same objection exist to the Location on a reduced scale?—It would; and I think it would be desirable to remove such Locations altogether, if it could be safely or justly done.

13. Then you do not think this could be justly or safely done at present?—I think not.

14.—Do you not think that if you could increase the wants of the Kafirs that you would thereby induce them to go to service?—I think they would.

15. Do you think it would be politic, or otherwise, to impose a high custom duty on Kafir articles imported here?—I do not think so.

16. Why?—Because the natives would manage to do without them, or with as little as possible.

17. You do not think that they have yet acquired a taste for blankets, beads, picks, &c., which are now largely imported, some of them free of duty?—I would not impose any higher than the ordinary duty on such articles, as I think the Kafirs would rather do without articles which were difficult to obtain.

18. Then you would not recommend the imposition of a further licence than is at present levied on persons dealing in Kafir articles?—I see no grounds at present to make a distinction between such and other traders.

19. You have said that you would exempt Kafirs in service altogether from the tax?—I would exempt them altogether, or in part, as might be found most practicable.

20. Do you think it would be practicable to establish a scale of taxation such as I shall now mention to you: an increased rate for those living close to the towns, and a very much diminished rate for those living at a distance, and excepting those in service altogether. Would this not answer the purpose, not only of encouraging them to go into service, but of moving them to a greater distance?—I think this would be desirable; as to an increased rate to those living near towns, and having greater conveniences of raising the means, and as to either reducing or remitting the taxes to those in service; but I am not prepared to say that a reduction of taxes to others within Locations at a greater distance is necessary or politic.

21. Why would you make it a capitation tax instead of a hut tax?—Because I think that placing the tax on huts would enable the natives to avoid the objects for which that tax seems to me to have been fixed, at least to some extent, by making more than one family occupy one hut; and because I would so regulate the capitation tax that it would have a tendency to induce young men to find service of some kind; and it would somewhat lessen the disposition of the natives for an increased number of wives.

22. How would you collect a capitation tax?—It certainly could not be done without a proper registration of the natives.

23. Would you, or would you not, exempt a Kafir, although not in service, provided he built his house and cultivated his land as a white man?—I doubt whether this step would tend to increase industry on the part of the Kafirs.

24. Then you would not exempt a Kafir who dressed himself, and was in every way like an European, from taxation?—No, I

would not, so long as he lives within a Location, particularly while he continues other native habits ; for instance, polygamy.

25. But supposing he abandoned polygamy, would you then exempt him ?—No ; because I would regulate the taxation in such a manner that that, of itself, would make him pay much less than others ; and because I think it will always be requisite, though every one of the natives within the Locations should become so far civilized, that the means must be found for their internal government.

26. How would you regulate the taxation ?—I would impose a capitation tax on all the males from the age of sixteen to sixty, of 6s. per annum ; and if a man had but one wife, I would impose no additional taxation ; but for the second wife I would claim the same amount ; but for every further wife, I would increase the tax by 1s., 2s., and 3s., and so on.

27. You have said that you would destroy the power of the chiefs altogether. Do you think this could be done with safety at the present time ?—I think it could be done, although there might be some risk attending it. I would leave them as Captains of a portion of the tribe, under the same regulations as the additional chiefs that I would appoint.

28. Do you think that the Kafirs generally would submit to such an arrangement, more particularly as they have been informed by Her Majesty that she would not interfere with them in this way ?—I am not aware that any right of chieftainship has been secured within this district to native chiefs by the Government ; but if it had been so, I do not think that it could have been contemplated to allow these chiefs to increase their power to such an extent as the increase of their subjects must necessarily cause, and to jeopardise the safety of the white inhabitants.

29. Do you not know that the Kafirs and the chiefs are very much attached to the power vested in the chiefs ?—As to the chiefs, I should think they would naturally be attached to any power they can assume ; but it would not be safe, I think, to allow them to do so.

30. Do you not know that, shortly after the deposition of the chief Sandilli, on the frontier, the present Kafir war occurred ?—Yes, I am aware of this ; but I think there is a great difference between the natives in this district, who have been allowed here on sufferance, and their chiefs, who have become chiefs either by our consent or sufferance, and the chiefs in Kaffraria, who have been so amongst the tribes over whom they were then ruling as such chiefs from time immemorial perhaps.

31. But are you not aware that there are hereditary chiefs in this district ?—They were not so acknowledged when this country was taken possession of. They may have been chiefs in the Zulu country or elsewhere ; but I cannot see what right they can have, on taking refuge within this district, to set up authority against our consent, and the sooner such is stopped the better ; for if we allow

them to do so, their authority very soon will exceed ours, and we shall have to submit to them.

32. How would you carry out your plan of sub-dividing tribes?—I would do it in the same way as any other part of the district is from time to time sub-divided into smaller divisions, and appoint chiefs over each such subdivision, leaving the present chiefs in authority over one division. I should find at least far less difficulty in accomplishing this than in removing the whole tribe. But should the chief or the people of that tribe resist such lawful measures, they would then be guilty of rebellion, and would justify the government in expelling them.

33. Would that measure increase or diminish the power of the chiefs?—It would decidedly diminish it, because it would divide it.

34. Then you think, by pointing out particular localities to certain chiefs, to be appointed for these localities over the same tribe, thereby dividing the tribe, would diminish the power of the original chiefs?—I would not only point out the boundaries, but support such chief in the authority which I gave him; preventing others from interfering with the chiefs where they have no authority, and enforcing such further regulations which may be considered necessary for the internal government of each Location.

35. Do you not think that combination, or the chance of combination, is to be dreaded?—By my plan, I think such would be prevented.

36. Do you think that the combination of the various sections of a tribe, in the manner you propose, would be more to be feared than two separate tribes?—If such a combination did take place within one entire Location, that might be put down much more easily than when a combination of the whole native population, or any considerable part of it should take place, in consequence of other general and stringent measures which would affect the whole of them.

37. Do you not think that the policy of interfering with the power of the chiefs will produce an immediate combination amongst all the chiefs to resist that attempt?—I am not prepared to say that it would; but, if such a thing really does exist, it only proves that we have allowed these chiefs greater powers than they ever should have had.

38. Do you think that we possess the means of enforcing your system of cutting up the tribes with safety to ourselves?—I do not see so much danger in putting such a plan into operation, as in forcing any one tribe to quit its location. The one I propose will, in my opinion, be attended with the least risk and expense. But, if danger be apprehended, the trial could be made with one Location. The power of these chiefs must be reduced; and we must do that now, or we shall find it to our cost hereafter, that two such Governments cannot exist. The one will destroy the other.

39. What is your objection to the power of chiefs, seeing that

you would have other chiefs. Why not have one chief over his tribe, modifying his power, as laid down in the Instructions? Would it not be easier to manage one man than a number?—It would be easier certainly in that respect, but it would not be safer; for as long as that one man should be willing to obey, it would be easier; but, if he resist, it would be easier for him also to do so effectually; for in a moment he could command the whole tribe. But where the consent of several chiefs had to be obtained, the chances are that some would be doubtful or unwilling, and that information may be obtained in time to take preventive measures.

40. Do you think, then, by dividing the tribe in this way, that you will destroy the power of the original chiefs over these appointed chiefs. I mean both morally and legally?—I think it would be so eventually, as the tribe will begin to understand the new position in which they will be placed, and that the power of that one chief could not affect them.

41. Don't you think that, by this means, you would be raising up a great number of chiefs who would be going on acquiring strength, and hence make the matter more difficult than it is now?—I would take care to prevent that. I would make them understand that they are chiefs by appointment from the Government, and not by right. I would place them entirely in dependence upon the Government, and centre all authority within such a location in the white magistrate appointed over the whole.

42. But what is the use of having the chiefs at all?—The first use would be to break the authority assumed by those hereditary chiefs; and next, it would be of the same use as Veld Cornets, or any other subordinate officers of the Government are considered to be for a proper administration.

43. But you would still call them chiefs?—I would give them certain powers as chiefs, defining these powers by proper regulations.

44. What plea would you advance to the present chiefs for this change?—The usual plea advanced for every law, that it was done for the benefit of the community, and to relieve him of a great burden, which must otherwise rest upon him.

45. Supposing this was resisted, what would you do?—I would not have proposed it had I thought the Government had not the power to enforce it. I think the Government has that power.

46. Supposing that all the hereditary chiefs in this District were to resist, have we the power to compel them?—If they all did so, at the same time, we have not; but I do not apprehend such a result.

47. You have, I think, read the plans already submitted to this Commission?—I have.

48. Do you think any one of them practicable or beneficial?—I do not agree with any of them to the full extent.

*By Mr. Macfarlane.* 49. Did you agree with the Volksraad in their opinion that the presence of a large savage population, inter-



mixed with a civilised population, was dangerous to the latter, and that the safe course was to remove this savage population to the one side?—The objection of the Volksraad was against the settlement of numerous native tribes by themselves, or under their own chiefs, intermixed with the white population, and in that respect I agreed with them.

50. Why have you changed your opinion now, why would you leave Kafir locations in the District now?—I have not changed my opinion as to the principle. My present propositions are guided by present circumstances, and the practicability of enforcing them.

51. Would it be unjust, in your opinion, to remove the Kafirs from their present locations, if you gave them a sufficient location elsewhere?—On the part of the Government it would be unjust to do so against their will, after pledging them the peaceable possession of their lands as pointed out by the Government, unless by their conduct they would justify such a measure being adopted, and I think it would not only be unjust, but unwise, if, by such a change, you cannot introduce something more beneficial for the common interest of both classes.

52. Have the Government granted any title to these locations in perpetuity to the Kafirs, or did the Government merely order the Kafirs to go and live there?—I believe that the Government has done sufficient to bring the natives under the impression that these lands were given them to live upon, and although no title may have been issued, it would be a breach of confidence to remove them without sufficient cause.

53. If the Kafir Locations, as now constituted, are the property of the Kafir, how do you reconcile with justice to curtail or alter these Locations at all?—I have not said that I looked upon them as the property of the Kafir, and I do not see why the reduction of the extent of land to some of these Locations could not be made without expelling the occupants against their will.

54. Would the ground that the presence of a warlike savage population endangers the peace of a civilised population, not justify a removal of the savage?—Certainly, when they gave cause for it, but at any rate it would not be wise to remove them when they are placed in a better position, by such removal to become dangerous.

55. You have stated the white inhabitants of Natal have been promised free institutions, at what date, and by whom, were they promised these institutions?—In the proclamation of Sir George Napier, dated 12th May, 1843. Upon this proclamation the Volksraad made certain representations to Her Majesty's Commissioner, H. Cloete, containing, amongst others, the proposal of the mode of establishing certain legislative institutions in the District.

56. You have recommended the continuance of the Inanda Location, is this a rugged and broken country, or an open flat?—For the greater part is so rugged and broken as to be entirely unfit for an habitation for white men.

57. Do you consider that kind of country a suitable country for locating Kafirs in, as regards the safety of the white inhabitants?—Decidedly not, if they can be kept out of it, or if such country could be occupied in another way.

58. Looking to the annual value of a Kafir woman's labor, do you think that an annual tax of 5s. would be any effectual bar to a Kafir marrying a second wife?—Perhaps not, but I propose that there should be, for every additional wife, an additional 1s., and that, I think, would curtail the number.

59. Do you believe you can rule and govern a savage population on the same principles, and by the same laws, as are sufficient to controul a civilized population?—It would greatly depend upon the practicability of strictly enforcing such laws.

60. Has serious crime against the person and property of the white inhabitants increased since your first arrival here?—I think not, if I may judge from the number of cases where natives have been brought to justice. But I believe that a great many instances of thefts of cattle occur from time to time, which cannot be traced.

*By Mr. Scheepers.* 61. Were the Locations given to the Kafirs provisionally, or were they given as their property?—I can only say that these Localities were pointed out to the Kafirs, as known to all of us, and that they were told that they might reside there as long as they behaved well. No personal grants have been made, as far as I am aware. I, therefore, cannot consider the ground as their property.

*By Mr. Moreland.* 62. You have stated that it would be advisable that the wants of the Kafirs should be increased. Have you devised any plan for this end?—I have not, because I consider that that would be a fit subject to be considered when regulations are framed for the internal government of Locations, or of the natives generally.

63. Have you any knowledge of Kafirs placing more than one family in a hut to avoid paying the tax?—I have heard of it more than once; and I have, on my farm at present, two Kafirs, having some sixteen or eighteen wives, I think, and five or six huts.

64. Would you make such chiefs responsible for each member of his tribe, not only as regards the collection of taxes, but in other matters?—I would not require any greater responsibility from the chief than I would from a white man, if he were placed in his position.

65. Would you have the various sections of a previously large tribe existing together, or removed to separate localities?—I would leave them where they were, merely sub-dividing the Location.

66. Would the legalising the marriage of one wife, and legitimatising the children by her alone, have a tendency to destroy polygamy?—I do not know how far that would affect the law of inheritance in use among the Kafirs.

67. Would you have the Locations near the borders, or in the centre of the district?—I am against removing the large Locations as at present existing, for the reasons already stated.

68. Are the Kafirs so far advanced as to appreciate permission to purchase landed property?—I think not; but I think it would be desirable if they could be induced to do so.

69. Do you think that the habit of carrying with them the implements of warfare, and wearing war dresses, keeps alive the natural inclination for war and bloodshed?—I scarcely think so, but it may have that tendency for aught I know. I should think they would carry their weapons for their own protection, and that these dances are more looked upon as amusement than as an incitement to acts of bloodshed.

70. Do they show any intelligence in their mode of cultivating land, care of cattle, &c.?—I do not perceive much intelligence in their practices.

71. What would be the result of a number of different sects, having different schools, and inculcating different principles in each Location?—For a very considerable time the natives would scarcely be able to discern the difference—at all events till they are far more civilized than at present.

72. What would be the effect of the introduction of convicts on Kafirs? If any escaped, would they be likely to be admitted into the tribes, be protected, and gain influence over them as leaders?—That might be the case amongst tribes beyond our borders; but within the district, if placed under proper supervision as I have proposed, I should think it difficult for any white men of that description, to obtain any influence among, or protection from, the natives.

73. Would you recommend the natives being settled in locations by themselves, or that Europeans be permitted to reside amongst them? Which would be most likely to hasten the process of civilization?—As to facilitating their civilization, a daily intercourse with white men of a particular description, would certainly contribute much towards it; but I do not see how this could be allowed without producing other difficulties.

74. Would it not be dangerous to organise a large body of people and place them between this and the old colony?—I think such a step would now be attended with more danger than keeping them within the District, under proper restraint.

75. Do you think that the means of doing away with that inclination and love of war, which is known to be a characteristic of the Kafir, is that of introducing Christianity; or by introducing, gradually, habits of civilisation, and a more increased intercourse with Europeans.—I do not see how Christianity can be introduced without habits of civilization.

76. Would not the tribes on the frontier, being driven this side the Kei, be in danger of coalescing with these Kafirs if they were sent beyond the Umcomaas?—It would depend upon the extent of country which would be open for the occupation of both.

J. C. BOSHOF.

## EIGHTH MEETING.

*Thursday, 25th November, 1852.*

## PRESENT.

The Hon. Walter Harding, Esq., *President*.  
 The Hon. John Bird, Esq.  
 Theophilus Shepstone, Esq.  
 John Moreland, Esq.  
 W. Macfarlane, Esq.  
 Caspar Labuscagne, Esq.  
 Theunis Nel, Esq.  
 F. Scheepers, Esq.  
 R. R. Riley, Esq.  
 Dr. Addison.

The minutes of the previous meeting were read and confirmed  
 The examination of Mr. Van Staden was resumed.

The examination of Mr. C. Preller was commenced and concluded.

The examination of Mr. Theophilus Shepstone was resumed.

Mr. Moreland proposed that the examination of Mr. Archbell shall follow that of Mr. Shepstone, and that the Secretary be requested to inform him thereof.

Meeting adjourned at five o'clock, until to-morrow (Friday), at nine o'clock.

(Signed) EDMUND TATHAM  
 Secretary.

*Mr. Van Staden* recalled, and, with reference to his answer to the question No. 28, adds as an additional reason—That the natives are better suited to their own laws than to the laws of the white man.

*Carl Frederick Preller* called in, and examined.

*By the President (Mr. Harding)*. 1. How long have you been in this country?—Eight years.

2. I believe you came from Cape Town?—Yes.

3. Are you aware that certain tracts of country were marked out as Kafir Locations?—Yes.

4. Are you also aware that, in some instances, Kafirs were moved from other localities to within the boundaries of these Locations?—No; I am not aware.

5. Do you approve, or disapprove, of the Kafir Locations?—I disapprove of them.

6. What would you do with the Kafirs?—If I had the power, I would force them to remove over the Umcomas.

7. Which would you move, and which would you not move?—I would move all those who would not go into service; that is to say, who live on the farms of white people, leaving at the rate of ten families for each farm of 6,000 acres.

8. Would you recommend the Government to do that at once?—I do not think it could be done just now, because we have not sufficient power. Nor would I try it without that power.

9. Do you know what is the number of a Kafir family on an average?—About fifty would be the average of the ten families. That is, men, women, and children.

10. As you allege we have not the force for your plan what would you advise?—I would represent the case to Her Majesty, and ask for power.

11. What reason would you assign to the Kafirs for moving them?—That they are not natives of this colony: and, also, that they came here merely to seek protection from this Government, and by placing them beyond the Umcomas they would not be beyond British protection.

12. Then you do not think there would be any breach of faith in the Government first moving them to one Location, and afterwards to another?—No, I do not think that the Government would break faith, because a great number of Kafirs have come in since then; and because many registered farms have been included in these Locations, by which the owners of those farms have suffered. I think that this would not be a greater breach of faith than was committed by including registered farms of parties within these Locations.

13. Do you not know that there are several registered farms beyond the Umcomas?—I am aware of this; but I do not think that the claimants to them would object to give them up, if they got other lands.

14. But supposing they did object, what would you do then?—I would pay them out of the sale of the lands which would be available in the abandoned Kafir Locations.

15. Supposing any party refused to part with his farm!—I would, in that case, consider that the Government had a right to resume it.

16. Do you know how many Kafirs there are in this district?—Seven years ago they were estimated at 80,000, but now, I should say, they would amount to 130,000.

17. How many families would you allow the man holding a second class farm to keep; that is a farm of 2,000 acres?—Three families, I mean by both the ten and the three families, that this is to be the utmost extent to which any proprietor may locate Kafirs on his own farm.

18. Taking your average of fifty to each of the ten families, and seeing that there are 400 6,000 acre farms in the District, and that this would, therefore, retain 20,000 natives on this side of the Umcomas would you still adhere to that proposition?—I would, because the number would be much diminished by many registered farms not being occupied.

19. Seeing that there are 12 registered farms beyond the Umcomas, which would require a sum of £14,400 to pay for them at the

Government upset price, would you still adhere to that proposition?—Yes, because the Government would make at least £80,000 by the sale of the present locations.

20. What Locations are you acquainted with?—Only with the Zwaart Kops Location, and partly acquainted with Dr. Adams' Location.

21. What would you do in the absence of force, should Her Majesty refuse further power?—I would consider it impossible to do anything without such aid, situated as we are, surrounded by, and mixed up with, the Kafirs.

22. Do you experience any want of native labor?—I do not experience any, although I hear complaints all over the colony.

23. What do you attribute that to?—To the fact that the Kafirs in my neighborhood are aboriginal, and not refugees.

24. Is there any measure that you can recommend for securing labor for other parts of the country?—Is it the intention merely to secure laborers, or to secure civilisation?

25. What measure would you propose to secure both?—Both cannot be secured without force.

26. Can one of the two objects be secured without force?—Under present circumstances I am very doubtful.

*By Mr. Macfarlane.* 27. You state as your opinion that the white population in the District is incapable of holding the District safe and secure, have you thought of any plan likely to induce an additional white population to settle here?—I would propose that communication should be made to the Home Government, inviting small capitalists to come over here, and that they should be allowed to select farms of not less than 500 acres each, according to the quality of the land.

28. Has there been any emigration of the white population from this district?—Yes, and it was great.

29. What, in your opinion, has occasioned this emigration of the white population?—In 1846, the farmers saw the rapid immigration of the Zulus into the district. Several persons—myself, Mr. A. Pretorius, Mr. Howell, and others—petitioned the Lieutenant Governor (West) to put a stop to this influx, and to remove them over the Umcomas; and we received a verbal reply that the Government was obliged to protect those people who came for protection, and therefore the Government could not stop their immigration. This was one cause. The second cause was, that there was a rumour in circulation that the registered farms would revert to the Crown if they were not occupied by the claimants. I went myself to Dr. Stanger, the Surveyor General, to inquire about it, and Dr. Stanger told me that the Kafirs could not be considered Her Majesty's subjects; and for that reason the occupation by Kafirs could not be lawful. I said I was sorry to hear this, but I knew as much of the Kafirs as this—that if a Kafir brought me before a Court for striking him, he is considered a British subject, and I am punished. I then told him that I

had a farm at the Umgeni, under the Waterfall, and asked what he intended to do with it, as it was surrounded with other farms, and, I supposed, was not 6,000 acres, when Dr. Stanger said he could not bring land from heaven to give to me; and that if my neighbours would not consent, he could not give more. I then told him I had another farm at the Upper Umgeni, over 5,000 acres. What would he do with that? He then said, "We don't give; we take." I then answered, "If such is your motto, I wish you good morning." In consequence of such treatment, the farms were disposed of, in some instances, for a bag of coffee.

30. Are the causes, then, inducing the white population to emigrate from the district still in operation?—Part of those causes still continue, but the emigration is at an end for the present. I am, however, aware that parties are preparing, and that, if nothing is done in the Kafir question, there will be an emigration on account of that.

31. What kind of country is it along the Umcomas? Is it open and flat, or rugged and woody?—As far as I am acquainted with it, it is open and flat on the lower part, and rugged and wooded higher up towards the sources.

32. Supposing you had the Kafirs removed beyond the Umcomas, how would you prevent them getting into this difficult country, plundering the people, and setting Government at defiance?—If you should act on the principle of abolishing the existence of chiefs, and in their place appoint white chiefs, or magistrates, this could not happen, because they are too much divided among themselves. They are not of one tribe, by which the Government would much more easily civilize them.

*By Mr. Scheepers.* 33. Do you not think ten families would be too many on one farm?—I do not, because I think they could be always managed.

34. Do you not think that the Kafirs will be doubled in number in ten or twelve years?—Yes; but I think the white population would also be increased.

35. Have you any reason for wishing to remove the Kafirs out of the district?—The reasons are, that the protecting power granted us by Her Majesty is too small; and because, about two years ago, there was a rebellion in existence, with a view of attacking the colony; and they are now so situated that the white population are cut off from the towns and from each other.

36. Would you fix any price upon the land that you would award to emigrants?—I would give it for nothing. By this means, the Kafirs living amongst us would become civilized, and the country would flourish.

37. You heard it stated yesterday that the power of the great chiefs should be diminished. Do you think they would be satisfied with this?—I did not hear this stated; but I do not think they would be satisfied. I think it would be better to destroy their authority altogether.

*By Mr. Moreland.* 38. Are you opposed to the Locations as at present existing, or are you opposed to them altogether?—I am altogether opposed to their existence, except beyond the Umcomas.

39.—What force would you consider necessary to drive them beyond the Umcomas?—I think the force we have would be sufficient, of the Boers alone, provided there were a sufficient number of troops to protect the Boers' property and families in their absence; say 5,000 or 6,000 men.

40. How many fighting men, among the Boers, could you muster on an emergency?—500 or 600 men.

41. You think, then, that 500 Boers would drive the Kafirs from the district, whilst you would require 6,000 English troops to protect the properties and families of those Boers whilst so employed?—If proper measures are adopted with reference to the 500 or 600 Boers, the principal chiefs could at once be removed, first by the Boers, and the troops would then have to be divided into portions, sufficient to protect the different laagers which must be formed; as the white inhabitants do not occupy any particular part of the country, but are dispersed all over it, and the troops must be dispersed accordingly.

42. How many Dutch inhabitants do you consider occupied this country on the arrival of the English? How many, from the various causes you have enumerated, have since left? And how many still remain?—I cannot say how many there might have been when the English took possession of the country; but I think five-sixths at least must have removed. I cannot say how many there are now.

43. Because an injustice was inflicted on the Boers, by including registered farms within the Locations, is that a sufficient reason why such an injustice should be shown to the Kafirs?—I cannot say that the Government took the places from the farmers unjustly; but, however this may be, I would not regard it now as an injustice in moving the Kafirs.

44. You think, then, that if the Kafirs do not submit to the imposed condition, that the Government has a perfect right so to remove them?—I thought that Government had the right long ago, because the Kafirs have not complied with the orders given to them by Government.

45. Are you aware that claimants for registered and occupation farms, beyond the Umcomas, have exchanged these by permission of Government for lands elsewhere?—I am not certain of it, but I know of one case, that of S. Maritz.

46. Did they not do so mainly on account of the inroads of the Bushmen?—I cannot say that. I only heard them complain of the Kafirs.

47. Don't you think that paying £14,400 for those farms beyond the Umcomas, would be an extravagant expenditure of the public money?—I do not think so, because I think the sale of the other Locations would realise much more.



48. Could you obtain £50 for any farm beyond the Umcomas, at the present moment?—I think not; because there is no money.

49. Do you think that the class of English emigrants introduced into this country, are of a fit description?—No.

50. What description do you recommend?—Farmers, with small capital, but no townspeople.

51. You say that the Government, under Lieutenant Governor M. West, refused your application to remove the Kafirs, on the ground that they were bound to protect those who had claimed their protection. Do not the same reasons hold good now?—No. Because the Kafirs have rebelled against the Government, and have consequently forfeited that protection.

52. In what way have they rebelled?—There was no open rebellion, but they prepared themselves to attack the colony; but rebellion was stopped when the Government withdrew the order of sending the natives to assist on the Cape Frontier. I think an additional reason for this existed in causing their cattle to be marked, and the taxes.

53. Do you know if cattle stealing, and other crimes, are on the increase in the country?—I do not know that cattle-stealing is, but other crimes are.

54. Are the causes of want of labor mainly to be attributed to an unlimited use of the lands of the country. Therefore possessing all the requisite resources for sustenance within themselves?—Yes.

55. Would you place a limit on the area of Locations, with a view of inducing the natives to labour?—I would do so, for the purpose of inducing them to go out to raise taxes and other things.

*By the President (Mr. Harding)* 56. You have said that the chiefs would not be satisfied if their power was limited; and you added, that it would be better to abolish it altogether. Do you, then, think that they would be satisfied with the latter?—No, certainly not.

57. You stated that, two years ago, there was a secret intention on the part of the natives to attack this country, and that this was occasioned by an order given to the Kafirs to proceed to the Cape frontier, and by orders to mark the Kafir cattle, and the payment of the taxes. Now, I want to know how you knew of this rebellion?—I state this because it was reported to me, as Veld Cornet, by Kafirs and others, and I reported this immediately to the Lieutenant Governor.

58. Are you in a condition to say whether that secret rebellion was general, or only amongst a few of the Kafirs?—I have reason to believe that it was not general, though it extended to a great majority of the Kafir population.

C. F. PRELLER.

The examination of Theophilus Shepstone, one of the members of the Commission resumed:—

*By the President (Mr. Harding).—*

126. You stated, Mr. Shepstone, on the 6th Nov., that the 26th section of the Royal instructions was not specially proclaimed to the Kafirs; but although not specially proclaimed do you know whether they are aware of its existence?—I do not think that they are aware of any special instructions from home on the subject of the Royal Instructions. They are, however, aware that the general powers of the chiefs have been acknowledged.

127. Do you think it would be safe or politic to abrogate these powers to any extent?—I do not think it would.

128. Why?—Because they are aware of their having been acknowledged, and that they have in consequence exercised their authority; and because we could not rule them without.

129. Can you mention any instance in which any interference with the powers of the chiefs or with their position as chiefs has been attended with disastrous consequences?—The case of Sandilli, which has been already referred to on this Commission, I believe to be an example.

130. Then are you of opinion that the same matters that would influence Sandilli would influence the chiefs here?—Certainly, in proportion to the interests at stake.

131. Am I correctly informed that the chiefs and the Kafirs generally are much attached to the powers exercised or vested in the chiefs?—They are very strongly attached.

132. Are they generally attached to the chiefs themselves?—I think they are, but it is much stronger where the chief is hereditary.

133. Do you think that any attempt to abrogate or to destroy entirely the powers at present vested in the hereditary chiefs would be met by any extensive opposition?—I think it would. We have already tried such a course in this country, in the case of the chief Fodo. He was deposed by me on behalf of the government, and his uncle nominated in his stead. For a while the people obeyed the uncle, and the uncle himself consented to administer the government of the tribe; but he soon found that the strength of public opinion was so great as to render his influence and rank only nominal; and the real power gradually reverted to Fodo, whom the government also found it advisable to pardon and allow of his reinstatement.

134. Are you not of opinion that the power and influence possessed by the chiefs might be turned to very great advantage in the government and management of the natives by their appointment and payment as government officers, and by regulating their powers and authorities by an ordinance passed by the legislature?—I think that it would be desirable to regulate and define their powers by law; but I am very doubtful of the effect of the former.

135. I believe hitherto the Kafir population have been managed chiefly by yourself through the chiefs?—Yes.

136. Have you generally found that the chiefs have willingly aided and assisted you in that management?—Yes.

137. You have heard the plan proposed by Mr. Boshof of interfering with the present power of the chiefs by dividing the tribe and appointing other captains or chiefs for every subdivision; what is your opinion of that plan?—I understood Mr. Boshof's division to consist in drawing an arbitrary territorial boundaries. I do not think that this would have the

effect practically of dividing the tribe.

138. Do you not think, on the contrary, that this plan would tend to more difficulty, and increase the facilities of combinations than as the matter now stands?—I think it would complicate combinations more, but the confusion would be very great.

139. What is your opinion of the other parts of Mr. Boshof's plan?—I cannot give an opinion, as I have not yet sufficiently considered the plan.

140. Do you think that a scale of taxation by which Kafirs living in the vicinity of towns should pay a higher rate of taxation than those living at a distance from the towns would be just in principle?—Yes.

141. Why?—Because they enjoy greater privileges from such proximity.

142. Do you think that a plan of that kind would have a tendency to diminish the number of Kafirs occupying locations in the vicinity of the town or otherwise?—I think it would.

143. Do you think that a desirable result or not?—In some respects it may be desirable.

144. In what respects do you consider it would be so?—When viewed as a question of safety in the event of any outbreak.

145. Now is it not desirable?—I think that there are local circumstances connected with each location, which it would be necessary to consider before I could give any definite opinion on that subject.

146. Do you approve or disapprove of exempting Kafirs in service from taxation as a direct encouragement to enter service?—I think exempting Kafirs in service from taxation would tend to increase the number of laborers.

147. Do you think it would tend to increase or stimulate habits of industry in the natives if those were exempted from taxation, who built in a particular manner and cultivated land occupied by them, according to European notions of Building and Agriculture? I think such exemptions would have a very small effect.

148. Do you think that the more the wants of the Kafirs can be increased the greater will be the stimulant to labor?—Certainly.

149. Have you turned your attention to that subject at all?—It has more or less, occupied my attention.

150. Can you not suggest any plan for accomplishing that by direct or indirect means?—I think it is doubtful whether the artificial wants of the natives could be increased by any legal enactment; I have not thought of any direct plan by which such wants can be increased.

151. Do you think that the Kafirs at present, would feel the want of European blankets, or the loss of kafir picks imported direct from England?—I think they would certainly.

152. Don't you think that by increasing the value of these articles, and also the value of beads, by imposing an increased custom duty and an increased rate of license on the dealers in these articles, would tend to stimulate to labour on the part of the Kafirs?—It

would have that tendency.

153. Would there be anything unjust in principle in adopting this course?—I have not considered the point sufficiently to enable me to give an opinion.

154. Would you think it practicable, Mr. Shepstone, to discourage polygamy by increasing the amount of taxation, in cases where it existed, and diminishing it where it did not exist?—Such an increase would have a discouraging tendency with regard to polygamy.

*By Mr. Bird.*—155. What would be the effect of the abandonment of the district by the English Government—would it not certainly lead to the oppression, and even the extermination of the natives?—I think anarchy and bloodshed would inevitably follow. I do not know that it would necessarily involve oppression of the natives, but their extinction would, I think, follow such a measure.

156. If the native population be removed beyond the Umcomas or Umzimkulu, how do you propose that the fastnesses of the locations shall be kept free from squatters?—Constant patrolling by the Field Cornets is the only means I can see that would effect this.

157. You say that the present extent of the locations is insufficient for the natives in the district, would this be the case if they maintained themselves otherwise than by pastoral pursuits?—They maintain themselves chiefly in my opinion by means of agricultural pursuits, and some parts of the locations are of such a character that it has been found incapable of supporting by these means the population already residing on them.

158. Ought not their attachment to pastoral habits be checked, and how can this be done?—Possession of live stock is the great object to the natives generally, but I think this can only be checked by the gradual increase of other wants and a desire for other descriptions of property.

159. Is there good reason to suppose that any considerable number of natives in this district as the serfs or subjects of Panda are likely to be dangerous to the peace of this country, from their attachment to that chief?—I do not think attachment to Panda is any element of danger, but I am of opinion that without some system of organization we shall find the mass of natives within the district worse than useless in the event of any attack upon us by Panda.

*By Mr. Macfarlane.*—160. What effect have the immense locations at present set apart for Kafirs here, had upon the surrounding foreign colored population?—The only effect I have observed has been to create a desire on their part to escape to this country whenever an opportunity is afforded to them.

161. Do you consider it a prudent thing to hold out encouragement or inducement to such a population to settle within this district?—I should not consider it prudent in a civilized government to hold out inducements for such an object, but I am of opinion

that the mere fact of a civilized government being in close proximity with such a savage power as that of the Zulus, is of itself an irresistible inducement to its oppressed subjects.

162. You have stated you have repeatedly warned the local Government of the dangerous state of affairs here, what steps has that Government taken to obviate these dangers?—No efficient steps have been taken. but I think no measure that a civilized Government could adopt would prevent it. The only measure adopted is the one which, in my opinion, has upheld the Zulu power to this moment, viz., the restoration of all cattle brought in by Zulu subjects, whether they belong to Panda or themselves. I am convinced that the moment this order is suspended the Zulu power will fall.

163. You have stated that this Government applied for additional military assistance, especially of cavalry; did the Cape and home authorities admit the necessity of this?—Yes.

164. Did they send the troops, more especially cavalry?—The only addition made to the troops, that I am aware of since the establishment of a Government here, was the temporary stationing here of a few companies of the 73rd Foot.

165. What object, in your opinion, had the home Government in view in approving of and recommending the locating of the Kafirs as at present?—The amelioration of the moral condition of the natives within the district, the influence of whose improvement would, it was thought, extend to tribes in the interior, their advance in civilization and ultimate amalgamation with the white inhabitants. It was also thought they would afford great facility for procuring labor.

166. On what do you found this opinion?—On the despatches from the Secretary of State.

167. Have these expectations of the home Government been realized to any reasonable extent?—I do not think they have.

168. Are you acquainted with any British Colony where an Englishman can squat, graze stock, and cultivate to any extent he pleases, without paying rent for the ground?—No.

169. Are you aware of any good reason why these privileges should be granted to foreign savages as is the case in Natal?—We found them inhabiting the country over which Her Majesty's sovereignty and rule were proclaimed, and it was thought such an arrangement would tend to benefit both black and white, and consequently the general interests of the country itself.

170. The white population now in Natal is estimated at from 6000 to 7000 souls, do you consider the adult males in this population sufficient to hold the district secure against Kafir outbreaks or invasion?—No, they are too few and too scattered.

171. Was Natal safe in this respect at any previous period of her history?—It was more so than at present, before the Dutch farmers left it, but I do not think even they ever felt themselves safe.

172. How many of these Dutch farmers do you suppose left the District?—I have no data, but my impression is fully two-thirds.

173. What induced them to do so—with what were they dissatisfied?—This is not a question with which I have had any official communication. My impression is, that the uncertainty of their land titles was the main cause for dissatisfaction.

174. Does the Government policy on these land titles still occasion the Dutch population to leave the district?—No, I believe that question has been definitively settled.

175. You stated, I think, that the Kafir population here first assumed its present dangerous and commanding frontier between the years 1843 and 1846 inclusive. Was that after the Dutch farmers' Volksraad powers had been interfered with by the arrival of British authorities?—The great mass of natives entered the district while still under the Volksraad, and the British authorities succeeded to a difficulty which had already become a source of serious apprehension to the Volksraad.

176. Was this influx approved of and submitted to by that Government?—I should say it was not approved of but submitted to as a matter of necessity. I am not, however, sufficiently acquainted with the history of the Volksraad times to speak accurately on this point. I believe that body passed a resolution by which all the natives in the district would have been removed beyond the present boundary of the district,

177. Was that Government in your opinion prepared and able to enforce that resolution?—I do not know that it was prepared to do so, but I am of opinion that from the abjectly submissive state of the native population at that time, that they would have succeeded in carrying it out.

178. Was it carried out whole or in part?—I believe not.

179. Do you know why?—I think the establishment of the British Government at the time when this question appeared to be forcing itself on the attention of the Volksraad, suspended any operation in regard to it by the Volksraad.

180. Have you thought of any plan whereby an additional white population might be induced to settle here?—The only plan that has occurred to me would be based upon the facility for obtaining land free.

181. But suppose Government is disinclined to grant lands free, do you think if Government as a general rule would expose Crown lands for sale at the upset price of 6d. an acre or thereby—that is at the price land can be bought at from private holders—that that would induce white men to settle in the district?—I should think it would be an inducement.

182. If Government when Crown lands were sold instead of asking for the price, cash down, were to grant a title to the purchaser constituting the interest of the price a redeemable annual ground rent upon the land payable to the Crown, do you consider that that would operate as a further great inducement to Europeans to

settle in the district, and thus eventually secure us peace and safety?—I believe it would.

183. Would not this arrangement work well also in this respect, that it would not lock up purchaser's capital but leave it free to work and improve his farm, and secure the means of employing a large additional number of labouring Emigrants from England?—I should think it would.

184. Are you of opinion that government would be losers by this system as compared with the present system?—If the objects sought after were obtained I do not think taking into account the annual ground rent and the additional custom duties which would accrue from a larger population of consumers of imported articles, that the government would be losers. In my answers to these questions I must be understood to have given them irrespective of any consideration as to whether such a measure would be just or otherwise to the present landholders in this colony.

185. Are you of opinion that the present form of government in Natal is the best calculated to secure the peace, safety and security of the District as regards the coloured population? I am not prepared to answer that question.

186. What, in your opinion, is the effect of British rule over the coloured races in South Africa?—I think certainly hitherto it has been unfortunate.

187. Upon what theory and with what intention in your opinion, is British rule in South Africa founded and carried on as regards these races?—Upon the theory of the improbability of those races in the moral and social scale, and with the intention of raising them therein.

188. What do you consider its practice to be?—I must admit that unfortunately, as far as we have seen, it has been the reverse of the intention.

189. How so, whence arises this difference between the theory and practice of England?—With regard to the frontier of the Cape colony, where contact with the white has been longest going on, I think that vacillating policy, the want of a steady conformity and firmness of management, and a mistaken leniency in many instances, threatening punishments and seldom inflicting them, perhaps from motives of humanity or expediency, have taught the frontier Kafirs first to distrust and then to despise us, until at length they have become formidable enemies.

190. Then do you consider it quite impracticable to guide and govern the savage population of South Africa safely and with benefit to themselves, under an easy mild system of rule, suitable for a civilised population?—I do not think it practicable to govern such a population by means of laws applicable only to a civilized community.

191. Are there any services due by Kafir captains to their paramount chiefs?—Yes.

192. What are they?—They are chiefly of a military character

they also act as councillors.

193. Are there any services due by the Kafir people to their Captain's Chiefs? And what are they?—Yes, military service, to which every one is liable, building of the Royal Kraals and houses. Military Kraals to accommodate regiments, the cultivation of the royal garden, which is supposed to enable the chiefs to dispense hospitality to his subjects. These are the principle. The same principles guide in proportion to the rank of the inferior chiefs.

194. Do the Kafirs here recognise you and their magistrates as their paramount white chief?—Yes, under the Lieutenant Governor.

195. Do they recognize your right in that capacity to demand from them the services you have above alluded to?—Yes, I think they generally do acknowledge that right.

196. Are the Kafirs here under British protection increasing rapidly in numbers irrespective of the Kafir immigration into the District?—Yes.

197. Are they increasing rapidly in wealth?—Generally I think they are

198. Do they seem sensible of the advantages of British protection?—Yes.

199. Do they deem it just and reasonable that they should be called on to make some return for the enjoyment of these advantages?—Yes.

200. Does it appear to you harsh or unjust in principle that government should increase its demands upon the Kafir, now that he is so much richer?—It does not appear to me unjust in principle.

201. Did the Home Government intend that the 7s. hut tax should be the maximum return the Kafirs should make for the security and advantages they enjoy?—I do not think it did, on the contrary it contemplated further taxation.

202. Do you consider that the conditional labor law sketched out by Capt. Struben would be less humane or more compulsory than that proposed by Mr. Cloete, to wit—placing the Kafirs in such a crowded condition that want of space will compel him to leave his location and seek work?—According to my idea they are both objectionable.

203. Are you aware that from 9 to 10 registered and other farms are comprised in that part of the Quathlamba location at present occupied by the chief Zikali?—I am aware that several farms are included in this location.

204. What do you consider the average number of acres required in this country to supply the wants of the inhabitants of each Kafir hut?—I have not formed any estimate on this subject.

205. Are you aware that every hut in Zikali's location is possessed of about 200 acres of good land, and that in his opinion that is not sufficient?—I was not aware.

206. In what way do you expect, or what plan have you thought of to induce the Kafir to become a willing laborer for the white



inhabitants?—In consequence of the various opinions which I have heard expressed as regards the desirableness of enforcing labor from the natives, I made a memorandum in which I say I freely admit that it would be of great advantage both to the black and white population, if the youth of the former could be induced to enter the service of the white employers and thus early acquire habits of regular industry, which is one of the first step towards moral and social improvement; but altho' I entertain this opinion I cannot look upon any measure as first or safe which has for its object the direct compulsion of one individual to work for another. If the Government thinks it necessary to raise the tax and sees fit to remit the payment of the whole or any part of the excess on the condition of the production of a certificate of service or of the whole, or any part of that which is now paid on similar conditions. I see no objection to the principle—because the government has an undoubted right to impose the tax whenever it may be just and safe, and is also at liberty to remit it on any condition it may choose to impose. Further than this I am not prepared to go.

207. Would you approve of the following plan as tending with some certainty to produce the colored labor required in the District? The imposition by government of an annual hut tax of 20s. instead of 7s., relieving from the operation of this additional tax all Kafirs allowed to reside on private properties and all location Kafirs who register themselves with their magistrates as willing to work when called on through him, leaving consequently these two Kafirs at the present 7s. hut Tax? And would you consider it safe to adopt this plan now?—I think the principle is not at variance with that propounded by myself, but I don't think it could be safely carried out now.

208. Why do you not consider it safe to carry out this principle, you approve of, now?—Because it would be imposing a very heavy tax upon the great portion of the native population of the District, which they could avoid and which they could not pay, because a large proportion of them have no magistrates whatever over them.

209. Are you aware that the subjects of independent chiefs beyond our boundary are in the habit of coming in here to work for the white inhabitants for limited periods?—I am.

210. Are you aware that during the early part of this year an unusual number of Panda's people did so? And do you know what reason they had for so doing?—I heard that such was the case, but I am not personally aware of the fact. I believe it is a means used by Panda to receive information of our movements.

211. Do you look upon the moral and intellectual character of the Zulus and Natal Kafirs as similar to identical with that of the Frontier Kafirs?—Yes, but perhaps the Frontier Kafirs have somewhat the advantage in this respect.

212. Are they equally superstitious, blood thirsty and treacherous?—I think they are.

213. Are they as dangerous?—No.

214. Why?—They have not had such training as the Frontier Kafirs, and they are not generally speaking armed.

215. Are they becoming better armed as compared with their state on your arrival here in 1846?—Yes gradually.

216. Does the Kafir attach any moral delinquency to deceit or falsehood?—Not participating in our views of moral accountability and a future state, he cannot attach the same extent or description of delinquency to a falsehood as we do. His condemnation of it appears to arise more from the consideration of its effects upon others, and the inconveniences that practices necessarily entails upon society.

217. Have they any expression in their own language which signifies falsehood, necessarily also implying moral delinquency?—They have a word signifying the falsehood, but their estimate of the enormity of a lie does not embrace the moral consideration and suggested to our minds by the vice of lying.

218. Does their form of expression for falsehood then merely convey what we understand by deception or trick?—There word for falsehood would convey to me the idea of moral delinquency, there appears to me to be no deficiency in the meaning of the word, but in the estimate of the crime.

219. Has the Kafir any word in his own language fully equivalent to what we understand by the word "gratitude"?—No, the nearest is "thankfulness."

220. Can you rely on such tribes or native maintaining 'l'reaties?—No, I don't think you can.

221. Have you ever been aware of any intrigues hostile to this Government, among the Kafirs within this District?—In the commencement of 1851, when the order for a force of natives to proceed to the Frontiers of the Cape Colony was issued a general combination for passive resistance to this order took place, founded upon the belief that unless they themselves assisted the Government in enforcing the order it had given, it could not carry it out.

222. Was any punishment inflicted on the delinquents?—No.

223. Why?—I am not prepared to answer that question.

224. Do you anticipate similar intrigues in future?—I think further intrigues must be looked for whenever any measure unites their sympathy against the Government.

225. Have you ever been aware of any intrigues hostile to this government between the tribes within this District and the tribes beyond the District?—The conduct of Matyana at the time I have above alluded to gave strong reasons to suppose he was calculating upon and receiving support and encouragement from Panda but it could not be fully proved.

226. Are you aware that while the Kafirs refuse to work tho' offered wages of 7s. 6d. per month in money they will readily do so if promised a pound of gunpowder per month worth about 3s.?—I believe this to be the case.

227. Are you aware that in some parts of the District. Kafirs go about hunting armed with guns?—Yes.

228. Is there any law prohibiting Kafirs going thus armed?—There is no law.

229. Would you advise that the private trade in gunpowder all over South Africa should be declared illegal? And thus made solely confined to Government Officers and Magistrates, as was formerly the case in the Cape Colony up to 1828?—I think it would be advantageous if that trade were kept in the hands of the Government.

230. What in your opinion has been the effect of abrogating the old law and making the trade in gunpowder an open and free trade?—I think the effect has been to facilitate the proceedings of it by all classes of individuals within and without our territories.

231. Have you observed any change in the bearing and character of the Kafirs since you arrived here in 1846, if so what is it?—I first visited Natal in 1838, and again in 1846, I was struck with the difference in this bearing and manner even then and even since, I have observed the progress of this change. They are much more insubordinate and impatient of control.

232. Has serious crime against the person or property of white inhabitants increased or diminished?—It has necessarily increased.

T. SHEPSTONE.

### NINTH MEETING.

*Friday, 26th November, 1852.*

#### PRESENT.

The Hon. W. Harding, Esq., *President.*

The Hon. John Bird, Esq.

John Moreland, Esq.

Theophilus Shepstone, Esq.

W. Macfarlane, Esq.

F. Scheepers, Esq.

Theunis Nel, Esq.

Dr. Addison.

R. R. Riley, Esq.

The minutes of the preceding meeting were read and confirmed.

Mr. Jan Boshof examined.

Mr. T. Shepstone's examination resumed.

The Rev. James Archbell examined.

Mr. Macfarlane moved that the meetings of the Commission commence in future at nine o'clock, and adjourn at three.

Seconded by Mr. Riley.

Carried unanimously.

The meeting adjourned at six o'clock until to-morrow (Saturday) morning, then to meet in the Court House.

(Signed) EDMUND TATHAM. Secretary.

*Johannes Stephanus Boshof* called in, and examined.

*By Mr. Harding (President):* 1. Where do you live.—At Mooi River.

2. How long have you been in this country?—I arrived here in the beginning of 1845.

3. Where did you come from?—Swellendam; where there are no Kafirs.

4. Are you aware that the Government here have assigned certain Locations to the Kafirs?—Yes.

5. And that in some instances the Government removed Kafirs from other localities into these Locations?—Yes.

6. Do you approve, or disapprove, of the Locations?—I disapprove of them, because I consider them unsafe.

7. What would you do with the Kafirs?—I would remove them, and I would not have allowed Kafir Locations from the beginning. I would remove them either over the boundaries of this colony, or to one particular tract of country within the boundaries.

8. Do you think they would go?—If Government told them, they would be obliged to go.

9. Suppose they said they would not go?—I think the Government should force them in the best way they can.

10. Are there sufficient white people and troops in the country to force them?—I do not know how many troops there are, or how many white people there are capable of bearing arms, or how many Kafirs there are capable of resisting; but I have heard and believe that there are altogether about one hundred thousand Kafirs. I cannot say how many white inhabitants there are.

11. Can you say whether there is now sufficient power, military and otherwise, to force the Kafirs to remove should they resist?—I would commence with one of the chiefs who I thought had been treacherous to the Government. I would commence with Pakadi.

12. Do you know how many men Pakadi has?—I heard that Pakadi, four years ago, was three hundred men strong, but I do not know whether such is true. I believe he has now twelve hundred men.

13. How would you commence to move Pakadi?—I would send to him to appear here, and I would then keep him here with two of his principal chiefs; then I would tell his people to move. If they refused, I would force them to go, by troops and burgher forces.

14.—What would you do with Pakadi and his two captains?—I would keep them as hostages, until their people were removed, and then let them go to their people.

15. Supposing the troops and burghers were beaten by the people of Pakadi, what would you then do?—I do not apprehend such a result. I should say five hundred men would be a sufficient force to remove him.

16. Would you take the whole of the disposable force of the District to remove Pakadi, leaving the rest of the District unprotected?—I do not think the whole disposable force would be required for the purpose of driving him out; I should think 300 burghers would do it.

17. You would, then, use the whole of your burgher force, except 100 men, to drive Pakadi out?—I would expect that the Government would send the troops and English emigrants to protect the families and property of the burghers who were away.

18.—But how would you protect the families of the troops and English emigrants who would also be away?—I think the Government should have troops enough here to leave the English emigrants at home. I would place the families of the Boers who went to the commando in two laagers, protected by the 100 Boers who remained. After doing this, I would take the other 300 Boers, and move Pakadi.

19. Then, in order to move Pakadi, am I to understand you would remove every Boer's family, every man, woman, and child, into laagers?—Yes.

20. Would the Boers like this?—I think they would like this, although their houses and property would remain unprotected. It is better to lose the house, than the house and family.

21. Where would you have these laagers?—This would be best decided upon at a meeting held by the Boers.

22. What would you tell Pakadi this was all done for?—The first reason I would assign to Pakadi for sending for him, then putting him into the trunk, and then telling his people to move, and, if they refused, forcing them to remove, would be that, about a year ago, a commando of 200 armed men, belonging to Pakadi, came to my neighbour's farm, and when the women on the farm were very much alarmed, one of the women came out, and asked the captain what this meant. She got no reply, but he took the assegai out of his left hand into his right, and shook it. He went from there to the farm of Kritzinger, and told a Kafir woman that he was very sorry that he did not kill both the women on the farm on which he had been before, also saying "how dared these women ask me where I was going to." This Kafir woman is still to be found at Weenen. And, also, that he had sent armed Kafirs to the farm of Hendrik Boshof, who took from the flock of that farmer the cattle belonging to the herd of the natives in the service of Mr. Boshof. Further, that the Lieutenant Governor had placed him under the jurisdiction of Captain Struben, and that he positively refused to submit to his jurisdiction, and that, by this, all the Kafirs who formerly were obedient are now the contrary, because the Kafirs allege, let Struben force Pakadi to submit to his jurisdiction, and then we will believe he can do something; and I say, since I find that Captain Struben has not the power to force Pakadi, under his jurisdiction, the Kafirs are more impudent than ever. The Kafirs now go armed over my place, homestead, and through my cattle, and when I have called them, merely to tell them not to travel over my homestead, they have not even taken any notice of me. That recently a beast of mine has been lost, which I cannot think has been disposed of in any other way except taken by the Kafirs;

and I conceive the greatest danger by an attack by Pakadi, because it appears to me that he is preparing for war. That one of Pakadi's Kafirs came to me to purchase a gun. I told him that I could not do so; he then asked for powder and lead, which I also refused; he then told me that he could get as much as he wanted in Pietermaritzburg. I then told him I would give him the money to buy two guns, one for himself and one for me, to which he replied that he would not do that, as I should betray him; that he bought them at night. He also told me that although we would not let him have guns, that Pakadi sent to the Maccatees, where he could obtain them, as well as ammunition, to any extent he wanted, and he also got his guns repaired there. I also think that as the Kafirs from Panda are received and harbored by Pakadi, it appears to me that he is strengthening himself to make war when he is stronger. I have a Kafir in my service expelled from Pakadi's tribe by the chief. I sent this man to obtain information, because I am uneasy about Pakadi. He told me on his return that he saw three Kafirs from Panda there, who had just arrived; that Pakadi's people told him that they had heard that they would be moved: that Pakadi had sent to Mr. Shepstone to ask if it was true, and that Mr. Shepstone had replied that it was. He also told me that Pakadi's young men said they would not move, and were very angry about it. For all these reasons I am in the greatest anxiety of being robbed of all I possess, without a moment's notice.

23. Then don't you think, Mr. Boshof, that the other chiefs and natives would participate and sympathise with, and help, Pakadi, were he attempted to be removed?—Not if it takes place now.

24. Don't you think that your plan of sending for Pakadi, and putting him in the tronk, would prevent other chiefs afterwards coming?—I don't think other chiefs would refuse to come, if they knew they had done nothing wrong.

25. What would be your object in placing him in custody?—To prevent him from reinforcing himself, and from executing that which he intends to do.

26. Supposing Pakadi said he would not come?—I would send the troops to fetch him.

27. Would you not have the laagers before you did that?—No.

*This witness adds, that before this Commission commenced, he, complained to Commandant Scheepers, on the subject of Pakadi.*

28. Where would you move the Kafirs to?—I would say over the Umzimkulu.

J. S. BOSHOF.

---

*The Examination of Theophilus Shepstone, one of the Members of the Commission, resumed.*

233. You stated that you were unable to say what number of acres of average land in Natal would be required to support a Kafir family. You have also stated that the present Kafir Locations are insufficient to support the Kafirs. If you are unacquainted with the quantity of land required to support an average sized Kafir family, on what data have you arrived at the above conclusion?—I would refer to my answer to question No. 31, and add that the Impafane Location, for instance, or a great proportion of it, is found incapable of supporting the population already within it. This Location is estimated at 450,000 acres by Mr. Cloete; and I think the population, according to an estimate made by Mr. Peppercorne, the Magistrate, is under 10,000. The sterility of the Impafane Location, however, is, perhaps, greater than in most of the others.

234. In framing the Locations originally, was it intended that these Locations should merely accommodate the Kafirs then in the colony and their natural increase only, or was it intended that provision should be made for all Kafirs who may choose yet to come in?—I believe that a provision for the natives and their natural increase was the object of the Commission in fixing the extent of the Locations.

235. What number and size of Locations did that Land Commission recommend in their report of 18th April, 1848?—They recommended five, in extent each 50,000 acres. (See Blue Book, 1850, page 31, section 4.

236. On what grounds did they make this recommendation?—In reply to this question, I will read the report:—

Regarding the location of the natives within the limits of the district of Natal, Mr. Boshof is of opinion—

1. That three-fourths of the natives already within the district have immigrated and settled themselves without obtaining previously the consent of the established government, and have no claim to any land which could for a moment be admitted as of greater validity than would be their claim to the whole district.
2. That the location of all the natives already within the district would require a surrender to them of such extensive tracts of land as will be found to prevent, in a great measure, the settlement of a population of Europeans sufficiently numerous to protect themselves, and to exercise over the natives a predominating influence towards effecting their civilization.
3. That locations of natives within the district are not required to facilitate the procuring of labourers by the European settler, but rather the contrary, it having been sufficiently proved that the natives require very little to subsist upon, and by obtaining so much at once, raises them to independence, and consequently, not having any strong inducement to labour, their habitual aversion to such employment is enough, under such circumstances, to cause them to decline any service, which could not be the case were they to be made somewhat more dependent upon the white population, which would be done by giving them less facility to settle as independent communities in extensive Locations, since they would be compelled, if they will continue to come into the District, to agree with the European settlers, to obtain their leave to establish themselves on their lands, and thereby at once to become of use to the settlement as herdsmen and laborers, without incurring any greater expence to the government.
4. That five native Locations, each in extent 50,000 acres of land, is the utmost of what should be surrendered or set aside for the

natives, so as not to expose the white population to become dependent on the natives, which must always expose the settlement to very great danger unless the Government be disposed to keep up a strong military force, so as to be able to give ample protection in every part of the district.

5. That a general removal of all the natives who may not be conveniently settled upon the five Locations, is not advisable, but that a gradual removal is practicable whenever required, provided that land be furnished them.
6. That within the district such land cannot be procured which may be conveniently given up for that purpose, and which is at once suitable for the purposes of native settlements.
7. That it is of the utmost importance to the protection and prosperity of the settlement that the surrounding tribes of the natives be brought under the dominion, or, at least, extensively under the influence of the British laws and protection, for their own benefit and for the maintenance of peace generally; that, as opportunity is now afforded of securing, at least on one side of the district, an extensive and very fertile tract of country, almost entirely unoccupied, except by a few depredating bushmen hordes, and to which no independent chief lays any well-founded claim; that is, between the river Umsimvulu (the present boundary of the district) and the sources of the Umsimvulu, the old boundary of this settlement which country, being taken possession of by the Government as a native settlement, under British laws and administration, may at once serve as an outlet for the superfluous native population of the district, and present an independent settlement of such tribes as will undoubtedly not fail, ere long, to avail themselves of the beneficial neighbourhood of white men; and in that case may become an incumbrance, or dangerous acquisition; whereas, in the former case it would tend greatly to benefit the settlers and the natives themselves.

The above memorandum was laid on the table for future consideration.

The following resolution was passed:—

“That the Commission do not perceive how they can propose to locate within this district all the refugee natives now within it, and at the same time provide for all the claims for land which may be made by persons now held entitled to grants, unless such arrangements are made by Government as may be found necessary to provide for the establishment of several native Locations under British control, and with proper superintendence in the extensive range of fertile and unoccupied country between the sources of the Umsimvulu and those of the Umsimvulu.”

237. You state that it is desirable and proper to remove Kafirs from a Location near a town, to secure the safety of the town population, in the event of an outbreak. Is it not equally desirable and necessary that Kafirs should be removed from Locations in the country to secure the safety of the country population?—In the event of an outbreak the danger in the position of persons residing in the country would be greater.

238. Would you, therefore, recommend the removal of Kafir Locations out of the districts?—On the general principle of the safety of the district, I think it would be safer if they were out of it than in it.

239. You have referred to the vacillating policy of British rule in South Africa as complicating our relations with the colored races, and tending to rebellion and other dangerous consequences. How do you account for this vacillating policy having been practised?—In saying so I had reference to the eastern frontier of the colony of the Cape of



Good Hope; and I think that it is to be accounted for by the fact of different Governors arriving from England with particular views in regard to the management of natives, &c., that new experiments were frequently being tried.

240. Do you think that, had the views of these Governors been regulated and informed, by the people having had a right to express their opinions as a part of the Government, that the evil results you have alluded to could have occurred?—I think that, under such circumstances, the policy would have been more uniform and practical, and that these results might not have occurred.

241. Did Natal ever possess the power of self-government?—Yes; in the time of the Volksraad.

242. At that time was the position of Natal safer and preferable to her present position, or was it otherwise?—I believe it was preferable as regards security, and, perhaps, as regards trade.

243. Do you think the immediate extension of these privileges to Natal essential to secure her peace and safety now, and security for the future, as regards the colored races?—The bestowment of self-government would necessarily carry with it free discussion on every particular measure, and involve, more or less, the divisions of the people into political parties. The natives would adopt one or other, or both, of these parties, and dangerous factions would be the result. I do not, therefore, think the immediate extension of the privilege of self-government would answer the good end that is anticipated.

244. If the natives were removed out of the district, would this obstacle be, in your opinion, done away with?—That objection would then cease.

245. Do you think the possession of additional political rights by the people would be an inducement to the educated monied classes at home to emigrate hither?—I should think it would have that tendency.

246. Do you anticipate that any probable benefits would accrue to Natal from granting her additional political privileges with reference to the white government exterior to her boundary, as to promoting friendly intercourse and securing general safety?—I think that would be the result.

247. Do you anticipate any peculiar advantages from these institutions in Natal as regards the government of the Trans-Vaal territory, should a time of danger arise here?—I think the interests of Natal and the Trans-Vaal country are very intimately connected, and that upon the prosperity of the one depends very much that of the other.

248. You have recommended the removal of the refugee Kafirs as essential to secure the safety and prosperity of the district, and that the direction should be to the southward, beyond the Umcomas River, there to live under British rule and protection. Why have you chosen that direction?—Because I saw no other practicable direction.

249. Do you intend that the Kafirs so removed should be placed under the same arrangements as regards government and taxation as those left in the district?—As regards taxation, my idea was that it should be continued, if the scheme proposed by me, in my letter of the 9th December, 1851, had been approved of; but the Government was proposed to be conducted on the principles laid down in my letter of the 7th April, 1851.

250. Was not one reason for your preferring (a great reason, in fact), to remove these Kafirs to the southward, that that country was already beginning to fill up with vagrant Kafirs, who would necessarily be hostile to us?—Yes.

251. Supposing that England should see the necessity of asserting her authority over the country between the Cape Colony and Natal, or what is very probable that the St. John's should become colonized, would you consider it advisable or necessary to remove the refugee Kafirs from this to the southward in these circumstances?—Yes.

252. Are you personally acquainted with the country about the Umcomas?—Yes.

253. Is it a densely wooded, mountainous, broken country, or is it a level open country?—That in the immediate neighbourhood of the Umcomas is very broken, hilly, and bushy; but beyond there is a good deal of open country.

254. Do you know that the distance between the Kei and the St. John's rivers is about 130 miles?—I have estimated it at 150 miles.

255. Are you aware that the rebellious Frontier Kafirs, have been ordered to this or the north side of the Kei?—Yes.

256. What security have you that, within the next few years, these Frontier Kafirs, and the Kafir refugees here, if removed to the southward, will not coerce, and become hostile to Natal?—You cannot be quite secure against the influence of the sympathy of color, but hitherto there has been no disposition to coerce. In every war between the Cape Colony and the Frontier Kafirs, these people, those called Fingoes, have fought faithfully on the side of the colony.

257. If, instead of coercing, the Frontier Kafir, or the Kafir already there, attacked the refugee Kafir, being under British rule and protection, would that not necessarily lead us into a war?—I do not think it would necessarily do so, because, hitherto, whenever the Frontier Kafirs have attempted any attack upon the tribes in that neighborhood, they have been defeated.

258. Have the relative positions of these Kafirs not now been materially altered since the rebellious Frontier Kafirs have removed, *en masse*, across the Kei?—I do not believe that that removal has taken place; on the contrary, I have reason to think that the majority of the rebellious tribes on the Frontier will become absorbed by the friendly tribes inhabiting British Kaffraria, south of the Kei.

259. Would not the placing of a large Kafir population to our southward isolate or cut off Natal from the white population to the southward?—Yes, it would.

260. Do you think that an advisable step?—If we had a choice in the matter it would not be advisable.

261. Then would you prefer that the Cape Colony and Natal should be joined together by a continuous belt of white population?—Of course, if we had a choice in the matter.

262. Would not the placing of the refugees here to the northward, be a safer course for Natal to adopt?—I think not, for many reasons, and I have cause for believing that that country has already been ceded by Panda to the Dutch emigrant farmers of the Trans Vaal Republic, and is supposed, by this time, to be partially occupied by them.

T. SHEPSTONE.

The Rev. James Archbell called in and examined.

*By the President (Mr. Harding.)*—1. In what year did you come to the Cape Colony?—In 1818

2. I believe you came out as a Wesleyan missionary?—I did.

3. Where were you first stationed?—In Little Namaqua Land, and subsequently in Great Namaqua Land, on the borders of the Damara's country. I then spent two years in Cape Town, and afterwards in 1824, I went to the Bechuana country on the borders of the Sovereignty. In 1833 I removed to the Sovereignty, and occupied a locality within two hours' ride of the present Bloem Fontein. I continued in that position till 1838, when, after spending one year in England, I returned again to the Cape Colony, and shortly after, in 1841, received an appointment as Wesleyan minister at Natal. As such I continued till 1848, when I retired, and have since been the editor, proprietor, and publisher of the "Natal Independent."

4. Were there any natives in this country when you came here in 1841?—Yes, but I cannot name the different tribes: I have not had sufficient intercourse with them to do so.

5. How many natives do you think were here when you came?—From data which I obtained from various sources I should think here might be in different parts of the colony from 20,000 to 30,000 when I came.

6. Was part of your appointment to Natal with a view of reclaiming the natives from the state in which they then were?—It was to minister to the spiritual wants of the native tribes, as well as to those of the white people.

7. Do you know of any instance in which a native of this country has been reclaimed from barbarism?—Of my own personal knowledge, and under my own immediate charge, I have not; as I had not the opportunity of laboring among them; but I have heard of several connected with the different churches of whom I should think considerable advances have been made in such reclamation.

8. Are you aware that the government, at an early stage of its administration here, appointed certain locations for the accommodation of the native population?—I am.

9. Do you approve or disapprove of that measure?—I disapprove of the present locations, but not of the system of locating the Kafirs, —I object to the extent of the present locations, and to the defects of their management. I think that the extent of the present locations tends to support the Kafirs in their naturally indolent habits, and encourages a disposition to incessant migration which is a preventative to their civilization; I object to them because of their defective management in as much as they are not under a control that can in any way lead the Kafirs to appreciate the uses of good government, which, in fact, is the only criterion of their advancement in civilization.

10. Then do I understand that you would reduce the size of the present locations?—I would.

11. Then how would you regulate your reduction of the locations?

—I would reduce the limits of those locations to somewhere about the extent of two first-class farms, say from twelve to twenty thousand acres, as the natural boundaries might point out.

12. How many such locations would you establish in the District?—I would establish so many as would be required to admit 3 or 4000 inhabitants upon each.

13. How many of these do you think would be sufficient to accommodate the whole of the native population?—That would be impossible to say unless we knew the amount of the population. The population is differently estimated, and I should think the data upon which we can best rely, is that given by the Diplomatic Agent. Yet I am of opinion that the estimate of that gentleman, 4 individuals to a hut, is somewhat too high; from my experience I have generally allowed 3, which would give 75,000. That being the case, I should say that if provision be made in the shape of locations for half that population we shall find 9 or 10 amply sufficient, as the other half of the population will for the most part be resident upon private farms or lands in the vicinity of the towns and villages, or in the towns and villages themselves.

14. Then you think that 37,000 would live on private property or in the towns and villages?—It might probably be a question whether just now the half of the population would be found in the towns and villages and on private lands, but the reduction of the locations, under suitable government, would bring them into that position which it cannot but be admitted is very desirable both for the labor of the country and their own civilization.

15. What is your reason for thinking that the reduction of the locations as mentioned by you would produce this result?—For the reason that so many of them as at present luxuriate in unrestrained liberty could not do so when the limits of the locations shall be curtailed.

16. But how would their liberty be effected by the reduction of the locations?—They would attain a more fixed locality and would not have the same amount of land for cultivation by the kind of labor which they employ. They would also be brought into closer proximity to each other, which is not very agreeable to the tribes generally, and especially to the fractions of tribes now in Natal.

17. Then do I understand that you would render these locations as disagreeable as possible?—If to over-run a country in unrestrained liberty is to render it agreeable to the Kafirs I certainly would curtail that which is the cause of their gratification, in as much as it is incompatible with the social and peaceable habits of industrial prosperity, and is opposed to civilization.

18. I think you proposed that 3 to 4000 should be located in one location?—Yes.

19. Then would you cut up and divide the different tribes in order to accommodate the numbers to the size of your locations?—I do not think that would be necessary, as there are few distinct tribes in Natal of that amount to move under one chief.

20. But dont you think there are some?—I am not prepared to say that there is even one, yet I will not speak positively in that respect, but if there were, that tribe might be made the exception to the general rule, and land provided for the additional number.

21. Then you would maintain the tribes?—That would depend upon circumstances; if the tribe could not be divided; if there were not distinct chiefs so as to divide the tribes without serious inconvenience, in such case I would allow them to be located together, especially as they would not generally exceed the number I have mentioned.

22. You say that the management of the present locations is defective, how do you propose to manage those recommended by you?—I would not presume to point out any mode of management to the government, as I am persuaded that they may be efficiently managed and that in the government there is sufficient wisdom to devise that efficiency.

23. Then in what respect is the management of the present locations defective?—In a general inefficiency of government for the uses of the country, and the civilization of the people: the laws in operation for the government of the white people are inoperative as applied to the coloured, and there is no system to meet their case.

24. Are you aware that in some cases at least the natives were removed from other localities into the locations by the direction of the government?—There was such an order and I believe it was carried out to some extent.

25. Dont you apprehend that it would be regarded as a breach of faith on the part of the government if the present locations were reduced to the extent that you have proposed?—It might be regarded so by some, and the Kafirs might be taught to speak of it as such, but I cannot see that there can be any breach of faith in removing them according to a plan that might be devised by the government for their and the country's benefit.

26. What reason would you assign to the Kafirs for this measure?—If it was requisite to assign a reason to the Kafirs for their removal I should tell them that the present system of management was found injurious to the country and upon these terms it would be impossible to continue it.

27. Do you then think it unnecessary to assign any reason?—I think if judicious plans were formed the Kafirs would fall in with those plans, and probably not deem them so disagreeable as some anticipate, and would desire to remove.

28. What plan would you suggest then?

Since it appears impossible with any degree of justice to move a certain class of the natives who are admitted to be the aboriginal tribes of Natal. I would fix them with ample lands upon the present locations. That, I conceive, would satisfy at least one portion of the Native inhabitancy. The remainder I would allow to make such arrangements for residing with those different Chiefs as they can, with the approbation of government, that I think will take

up another portion of the Kafir population, the still remaining portion I would leave to make arrangements for residing upon private farms under a regular agreement, which would provide for another very large portion of the Kafirs, and should there still be Kafirs remaining unprovided for I would put them down upon the same principle upon other locations to be formed either in the country about the Umcomas or Umzimkulu on this or the other side but in every case put them down, upon small locations under an efficient government with a view to an early colonization of the whole country.

29. Is this the plan which you think will do away with the necessity of assigning any reasons for the measure to the Kafir?—Yes, more than the one I have before mentioned.

30. Are you prepared to recommend that in the event of the Kafirs objecting to your plan that it should be enforced?—If the Kafirs were in a body to object to it, or rather a plan that might be devised by the Government, I should then think that it would be the duty of Government to enforce that plan at whatever cost.

31. Do you think we have the means in the country at present of enforcing this or any other plan?—If the Kafirs were to combine to resist the movement, I should then say that we have not the power at present to compel them, but I anticipate no such resistance.

32. Would you continue the power at present exercised by the Chiefs?—I would not.

33. What would you substitute?—I would place them in a subordinate position but what that exact position should be I am not prepared to say, as I think that can only be determined when the details of the internal Government of the locations shall be considered.

34. You would not annihilate their position altogether?—I would support among them a certain authority because I think it would be right to do so, and would be useful in efficiently managing the people.

35. I suppose you have either heard or have read the plans suggested by the gentlemen who have been examined before you. Do you agree with any of those, and if so which?—It will be obvious, in the plan I have before laid down that in the whole I do not agree with any one of them but in some particulars I do agree with most of them.

36. Do you think that the measures proposed by you would secure labour?—I think they would and more rapidly teach the Kafirs habits of industry.

37. Are you aware that emigration from the district is at the present moment going on to a great extent?—I have not heard that emigration has taken place from this district to any large extent, but I have received several letters stating that immigration to this colony is taking place from the Zulu country and elsewhere, occasioned, I think, by the late war by Panda on the Amaswazis.

38. Do you think it desirable to encourage or to prevent this?—I think it desirable to prevent it, especially in the present state of the colony.

39.—Can you suggest any means for preventing it?—In addition to the plan I have proposed for fixing the local circumstances of the Kafirs, I would suggest two things—first, that a watchful vigilance should be observed by the frontier authorities that no Kafirs come into the colony without proper permission; and secondly that there should be a stringent prohibition against any settlement being effected upon vacant Crown lands, and unoccupied private properties, over which the proprietor himself cannot from his absence have control.

40. But supposing that they still continued to come in, what would you do with them?—I cannot suppose that they would come into the colony without endeavouring to effect a settlement upon some of the locations or upon private properties, or upon Crown lands, and in any of these cases they could be immediately discovered, and should be treated as intruders or otherwise as might be determined, and unless the government saw fit to retain them on some of the locations or allow them to find service in the colony, I would treat them as vagrants and send them to the country from whence they came.

41. Don't you think in order to carry out that, you must have a very extensive police?—It is my impression that an efficient police may be organized upon the different locations according to the plan I have before suggested, and in the different Magistracies in the colony for the working out of the preventive measures suggested.

42. Would you have a native police or a European police?—I would have both; a native police upon the locations, which being small, I think would be easily worked and rendered efficient against even each other, and a European police in the different European towns and villages where such might be necessary.

43. Mounted and armed, or not?—In the chief towns a mounted police would seem indispensable.

44. Would you arm or mount the police in locations?—I would not for the present nor for some time to come at least, if at all. Not till an advance in civilization shall have established habits of peace and industry.

45. Have you ever read the recommendations of the Commissioners for establishing the present locations?—I have.

46. Do you disapprove or approve of them?—I approve of the principles but I object to some of the details. I object to those parts of the recommendation that favour the present extent of the locations, but I do not recollect, as it is some time since I read them, whether anything is specially spoken of as to the exact extent. I think they were not intended to be so large when they were first formed, but from subsequent suggestions they were greatly enlarged, though the Land Commission thought 50,000 acres sufficient, I think this is too much.

47. Do you approve of the three recommendations proposed by the Commissioners for locating the natives, namely—

1st. That each location be governed by a superintendent or resident agent?

2nd. That he should be furnished with assistance when necessary, and

3rd. That a native police should be established in each, under a European officer:—I approve of an efficient magistracy being placed now upon the locations, and a native police. I do not know what is meant by assistance when required, efficient government supposes power on the spot to carry out all its measures.

48. Do you think that if the recommendations comprised in these reports, had been efficiently carried out at the time, namely, in March 1847, they would have tended to the control and good government of the natives?—Not with the extent of territory that has been subsequently assigned to those locations, and which has necessarily brought the Kafirs together in too great numbers; but if the quantity of the land attached to those locations had been much more limited I think the plan at that time would not have been liable to very serious objections if it had been efficiently carried out.

49. Then, in fact, the only point on which you differ from the Commissioners of that day is in the extent of those locations?—No, not exactly so. The Kafirs since that time have changed in disposition and in number, and present a more formidable aspect, and hence what might be efficient in that day will not now serve the same purposes; had that system then been carried out with energy the Kafirs would have grown up under it, and would have been very different.

50. Would the Kafirs have been in a worse or better condition than they are now if that had been carried out?—This must, of course, be mere conjecture, but I think they would have been in a better condition. There would have been a stringent system of management employed when they were more easily controuled, and good results most certainly would have followed.

51. Do you happen to know why that system was not carried out?—I have read in a despatch from Earl Grey that the home Government declined affording the funds to carry out such management, though only asked as a loan for the commencement of the system, to be repaid in a few years.

52. Do you recollect what the amount was?—I think it was £5000 per annum for 5 years.

53. Are you aware whether the local Government at that time could have raised the means of meeting this expense out of their own resources?—The local Government certainly could not have met that expense, except by efforts to raise it in the shape of Kafir taxes.

54. Could that have been accomplished before you had the Kafirs in Locations?—I do not think it could have been just then collected, and it is doubtful whether the Hut Tax upon Kafirs was



not imposed quite as early as any tax could be exacted from the Kafirs with safety :

*By Mr. Ryley.*—55. You say, Mr. Archbell, that you don't think that the immigrant refugees could effect a settlement on the Crown or private lands in this colony ?—I said they should be prevented from doing so.

56. Are you aware that at this moment many of the Amaswazi are settled down with Langubalela on the Drakensberg ?—I have received several letters alleging that fact.

56. Do you consider that if these Amaswazi are allowed to settle in this colony on the different farms on condition that they laboured, it would certainly produce an ample supply of labour ?—I do not think that the Amaswazi, to the number already in the colony as reported, would be an ample supply of labour, but they certainly would to some extent furnish useful labour to the farmers now without labour.

*By Mr. McFarlane.*—57. Have you thought of any plan of procuring additional colored labor without adding to the dangers of the colony by additions to the numerous Kafirs already in the district ?—No. I think every addition must increase the embarrassment of the colony, and greatly retard the progress of civilization.

58. Would you approve of allowing these Amaswazi to settle in the district ?—No. I would rather see the labor efficiently managed which we have already within the colony.

59. Would you advise that steps should be taken to prevent the entrance of these people into the district, or their expulsion if already here ?—I would recommend the adoption of every practicable measure to prevent any addition to the number of natives already in this colony, and if it be possible, which I am not quite sure it is, to have the Amaswazi who have already come in placed beyond the boundaries of this colony.

60. Have you thought of the effect of an increased taxation of the natives as likely to produce additional labour ?—I do not think the imposition of additional taxation is very practicable in the present management of the Kafir population ; but were they otherwise situated and governed upon a well organized plan I should think that every proper legitimate tax should be imposed upon them. I however, approve of the principle of increased taxation of the Kafirs, as they are not liable to many of the taxes that apply to Europeans in the general consumption, and a in variety of other ways I think that certain taxes might be specially applied to them. For instance they pay no quit rent, nor are they liable to any expenses on account of land ; I think a legitimate land tax might be applied to the locations, and other taxes might be applied that I am not prepared at this moment to detail.

61. Would you recommend that the whole or any part of this increased taxation should be remitted to those Kafirs who had registered themselves with a magistrate, as willing to work when called on, or were allowed to reside on private properties ?—Any remission of taxes to a reasonable amount, or any other advantage

that could be allowed for the encouragement of industry could not be ill applied, inasmuch as it would support and encourage the civilization of the native tribes.

62. You advised the retention of the present Kafir locations, are you not of opinion that the woody rugged nature of many of these locations render them most unsuitable for the purposes to which they have been devoted?—I would recommend the retention of some of the locations to which there might not be serious objections of the character stated, but on a considerably reduced scale, inasmuch as it appears that there are certain Kafirs who have an admitted claim to them by occupation at the time of the arrival of Her Majesty's Commissioner, and he then pledged the Crown, it would appear, that these lands should be appropriated to their use.

63. Could this pledge not be redeemed by giving them lands of equal or superior value and extent?—I do not exactly see that we could do more under the circumstance than offer them an exchange. Had the lands not been pledged to them by the Crown we should have been more free to have made an arrangement of the character proposed. It cannot, however, be viewed in justice by any but the unreasonable, since the change arises out of a necessity created by the Kafirs from their innate disposition to continue a barbarous preventive of their own improvement, and dangerous to the safety of the colony.

64. Do you contemplate introducing industrial schools into the new locations, and if so would you recommend that they be placed under Government or under Missionary control? - Politically and secularly under Government control, leaving the spiritual instructions to the zeal of Christian churches.

65. Will a white rural police force be in your opinion effective in a country like this if unmounted?—I do not think that a white rural police unmounted is of much use any where, if at all.

*By Mr. Shepstone.*—66. You said, I think, that you would curtail the powers of the chiefs, what extent or description of power would you leave in their hands?—In curtailing the extent of their power I would have regard to the hereditary station or otherwise that they at present possess. One possessed already of high hereditary authority I would place in a much more elevated position than one who has attained that authority by mere accidental circumstances is entitled to or could expect; but in no case should any of them be left under the impression that their authority is more than delegated. On every location I would have the magistrate placed as the principal authority, and the chiefs under him according to their standing in the tribes.

67. Then you would approve of their considering themselves the hereditary representatives of the Government to their tribes, under the magistrate?—Not exactly so. I would place them in subordinate positions in carrying on the machinery of Government, but I would think it sound policy to destroy as much as possible their notions of aboriginal rights. I would retain them in the Govern-

ment because I think them important instruments for carrying on efficient rule in the locations.

68. Do you think it possible to carry on that rule efficiently without them?—I do not like to consider anything impossible that may be projected by the British power, but I think that the locations will be much more easily and much more efficiently managed by the employment of their agency.

69. Do you approve of the principle of forcing the natives to work for the white population?—Force is of various kinds, and I could not answer unless I had some definite kind of force placed before me. I think the coercing by a direct law compelling the Kafirs to work would be injurious in its operations, yet I am of opinion that to coerce them by salutary laws that would gradually break down heathen dependencies and change the character of their habits and pursuits of industry, would be a proper force.

70. Do you think other force would be safe or generally practicable?—I do not think so. I think it would be an infringement of the rights of man, while industry and habits of peace and social rectitude may be enforced in a proper legitimate course.

*By Mr. Scheepers.*

71. You speak of curtailing the locations and of forming several more locations; will this, in your opinion, bring the Kafirs sooner to civilization by confining them in a small compass than by leaving them without restraint?—I think that to abridge the liberties of the present Kafirs will tend greatly to their more rapid civilization, since they will be under a more stringent rule in small communities than they can be in large ones, and since by limiting the quantity of their land and bringing them to closer approximation, they must learn more of good government and social life than they can do in any isolated position.

72. Which is the more just, to force them to civilization by bringing them into a small compass or to leave them to live as they please?—I perceive equal justice in these positions, since man is a social being, and must of course submit to the terms of the compact that will be generally most useful to the whole community of which he is a member. No one part of a community has a right to live in a state that menaces the lives and properties, and destroys the peace and happiness of the other parts.

73. What is your opinion, Mr. Archbell, have the missionaries ever done any good in South Africa?—Yes. Mr. Scheepers himself has again and again admitted that a great deal of good was effected when I had the honor of sustaining the office of missionary to the Borolongs under Moroko, of the Bechuana tribes.

*By Mr. Moreland.*—74. In speaking of the locations you propose a plan of increasing their number and limiting their extent; do you think that this could be carried out?—I recommended the increase of the number of locations should it be necessary to do so in meeting the wants of the people to be provided for, and I think the plan practicable.

75. Are you prepared to propound a plan providing for the internal

government of the Kafirs?—I am not prepared at this moment to lay any plan before the Commissioners, but from the somewhat crude materials that I have from time to time thrown together, and a more recent matured judgment, I think it would not be a difficult matter to arrange an efficient administration for the Kafirs, in accordance with the plans I have suggested.

76. Will you state what you conceive to be the defects in the present management, in order that a plan may suggest itself of modifying such management?—The great defect of the present scheme of government among the Kafirs, is the want of that element which holds them in proper restraint as they are a perfectly unrestrained and uncontrolled people, and there is nothing in the present government of the Kafirs to enforce habits of rectitude and industry, the two great points to be kept in view in legislating for them.

77. You speak of the large locations having a tendency to increase the migratory habits of the people, will you more fully explain your views in this respect?—The present large locations facilitate the desires on the part of the Kafirs to amass a vast property in cattle, and to increase the number of their wives since they have the opportunity of living at a distance from each other, and of cultivating lands without limit. This, I think, is one of the greatest evils of which the colonists have just reason to complain; the native tribes cultivate lands that cost them nothing, with labor that costs them as much, and hence the colonists find it impossible to compete with odds so great. A just arrangement of the locations will bring them upon a more legitimate equality. They will have lands that by industry will provide them with the ample means of subsisting in comfort, but not without industry, and they will employ the powers of body and mind to the useful purposes of industrial and social life, which they now employ in concocting mischief.

78. What do you consider to be a liberal allowance of land for a certain amount of Kafir population?—I have already said that the locations should be formed not larger than from 12 to 20,000 acres, according to circumstances, and that not more than 3 or 4000 natives should be located together; thus giving from 4 to 5 acres to each Kafir. I form that estimate from past experience, wherein I have found that about 3000 or 4000 people occupying about that quantity of land have progressed in civilization in a worse country than this.

79. These locations should be composed of average lands in the colony, is it on that presumption that you base your calculations?—I see no reason why the best lands should be selected for the Kafirs' locations, since it is well known that positions unfavourable for industrial civilization are more suitable for the culture practised by the Kafirs. Fair average lands ought to be assigned for these locations.

80. Do you believe that the details of any plan that may be resolved upon may be safely left to the wisdom of government?—It has occurred to me that this commission would furnish the material upon which the Government would found a permanent plan, and I should hope that it may safely be left in their hands.

81. Then, in answer to the 22nd query, when you said that you did not consider it necessary to propound a plan, you meant to say that such plans would be best devised by the Commission?—I said, if I recollect right, that the wisdom of Government would be amply sufficient to grapple with the evil, and I presume that it is not the least part of that wisdom to avail itself of the light and assistance of this Commission.

82. Would not the people within this district, from a natural anxiety to see their former friends and relatives amongst them, be likely to adopt measures to frustrate any proposition which you might adopt to prevent the influx of refugees from barbarous tribes from neighbouring countries into the colony?—I think some of them possibly might do so, but generally I don't think that to any great extent the Kafirs would oppose any arrangement with such an object in view, as to encourage others to enter the colony, unless some evil was contemplated.

83. Do you think that the police which you propose establishing in each location, would be able to obviate this evil, and also effectively to control the population settled therein?—I think under proper management they would generally form an efficient agency in meeting that evil, or any other that might occur.

84. Are you prepared to state any system or machinery by which this police and other matters within these locations could be directed?—I am not at present.

85. What do you expect will be the annual expense of such police?—I have not estimated the expense of such a police not having considered the details of its organization.

86. Then you would not at all approve on any consideration attempting to drive the Kafirs out of the district, according to any of the former plans proposed?—No, I would not use the kind of force implied in driving them out, and I think there would be no necessity for the use of such force, as the plan I suggested would provide for a large number of kafirs upon the different locations already formed and to be formed, and these of course would be so far satisfied. It provides also for another portion who are already satisfied upon private farms and that will become satisfied by arrangements with the proprietors, and also for a number more that will enter into arrangements with the government and with occupants of the different locations, so that there would be few unprovided with lands. The rest would see no possible chance of resistance.

87. Do you think that sound policy would prompt us to retain the kafirs within the colony, and to make the best arrangements for their management which existing circumstances would admit of?—Upon the plan I have suggested I would retain all, that by that plan are provided for within the colony, and in placing any of the Kafirs beyond the present boundaries I would suggest their being placed under the same rule and scattered in small locations in the same manner as in the colony with a view to future colonization.

88. Then you apprehend no danger to the white population from the number of natives within the colony?—Not if properly

managed, and in any case not immediately.

89. Since your plan, if practicable, is so very desirable, will you favor the Commission with the mode of government which you would adopt and by which you would bring about the necessary changes?—I have already said I was not prepared with the internal government of the locations, but if the Commission wish it I will have no objection to direct my attention more particularly to the subject and communicate.

90. Do you know whether it was the Land Commission or the Location Committee who suggested the extent of the locations as at present existing?—I have no accurate knowledge of where it originated, but I think the extensions originated in suggestions to the location commissioners from some of the missionaries, the land commission recommending 50,000 acres to each location.

91. You may have seen from the evidence given by Mr. Cloete, what the extent of those locations is?—Mr. Cloete corroborated my own previous calculations connected with the extent of these locations, which extent is beyond all moderation and has become a serious evil.

92. Are you aware that that extent is about 6 times greater than that proposed by the land commission? or of the reason of such increase?—I have not seen any reason for the extent recommended by the land commission, and I am quite satisfied that some of the locations are more than 6 times too large to answer the purpose intended.

93. Are you aware that in a despatch from the Diplomatic Agent to the secretary of the local government of 26th April 1846, that he predicted the consequences of which we at present complain would be the result of any delay in concocting measures for the better management of the Kafirs? The extract to which I allude is "Every day delayed is so much ground lost, and I fear two years will destroy the advantages of the opportunity?"—I am aware of this.

94. The Secretary of State for the colonies having signified his approval of the various measures proposed by the location commissioners, supported as they were by the opinion of Mr. Cloete. Can you conjecture the cause of these plans not being carried out?—The home government objected to the loan of the amount required to set the location commissioners' machinery in operation.

95. Do you think that the result of such a refusal may lead to the serious expenditure of the public money and jeopardize the position of the colony?—I cannot say that the refusal then to the grant of funds has lead to these serious evils, because I am of opinion that the extent of the lands subsequently added to the locations would have prevented a portion at least of the success contemplated by the object as first projected. The withholding of the funds necessary to carry on good government is partly the cause of the present menacing state of our Kafir affairs.

96. While prosecuting your missionary operations what was

your experience of the character and disposition of the Kafir tribes?—My labors have been mostly restricted to the Bechuana tribes.

97. Have you a general knowledge of the Kafir character?—I have.

98. Is that character one remarkable for treachery and a total disregard of truthfulness and gratitude, or is it the reverse of this?—It is remarkable for these obliquities.

99. Then in carrying out any arrangements so as to improve the condition of the Kafirs, or to secure the white inhabitants from any aggression on their part, you would advise that these points in their character shall always be kept in view?—Yes.

100. Have you noticed any remarkable development of utility given on the part of the Kafirs so as to lead you to suppose that they would speedily adopt habits and customs of civilization if the means of acquiring them were placed within his reach?—I have always found when brought into proximity with civilization they have been the ready creatures of imitation.

101. Do you think that the various cases of poisoning which we have amongst the Kafirs proceeds from an extensive knowledge of the medicinal properties of the many plants within the colony, and is this knowledge invariably procured for vicious purposes or otherwise?—They do employ this knowledge for vicious purposes, but the mere knowledge which they have attained of the qualities of the plants from which they extract poison is not the cause of vicious conduct.

J. ARCHBELL.

---

TENTH MEETING.

Saturday, 27th November, 1852.

PRESENT.

Theophilus Shepstone, Esq., *President*.

John Moreland, Esq.

R. R. Riley, Esq.

Theunis Nel, Esq.

W. Macfarlane, Esq.

Dr. Addison.

F. Scheepers, Esq.

J. N. Boshof, Esq.

The minutes of the previous meeting were read and confirmed.

The examination of the Rev. J. Archbell was resumed and concluded.

The examination of the Rev. W. J. Davis was commenced and concluded.

The President proposed that a copy of the instructions and evidence be forwarded to all the persons on the list for examination, and who have not yet been examined, accompanied by a letter from the Secretary inviting such suggestions or opinions as these persons respectively may wish to offer

to the Commission in writing. These to be sent in to the Secretary as soon as possible, but not later than the 1st of January next; reserving to this commission the power to call any such persons for personal examination, should it still be found necessary; and that the next meeting of this Commission be fixed for the 10th January, for the purpose of considering their report.

(Signed)

EDMUND TATHAM,  
*Secretary.*

The examination of the *Rev. James Archbell* resumed.

*By Mr. Moreland.*—102. Do you think that the Kafirs have any right to the soil here beyond that which was conferred upon them by the British Government?—It is very difficult to determine Kafir aboriginal rights, since I apprehend that few if any of the present inhabitants of Natal have occupied their present position upon the soil of Natal for many years back.

103. Do you think the country beyond the Umzimkulu should be colonized, if so, state the mode of colonization you would recommend?—As it now appears that the country on the other side of the Umzimkulu has reverted to the Crown and become British territory, I would recommend its colonization by Europeans as early as possible.

104. Are you aware that the Dutch proclaimed the Umzimvubu to be their boundary?—I am. It was set forth in the document that was discovered in the portmanteau of the late Retief, and is now published in the papers on Natal by Mr. Chase—

Unkunkinglove, 4th February, 1838.

“Know all men by this,

“That whereas Pieter Retief, Governor of the Dutch emigrant Farmers, has retaken my cattle which Sinkonyella had stolen from me, which cattle he the said Retief now delivered unto me; I Dingaan King of the Zoolas, do hereby certify and declare that I thought fit to resign unto him, Retief, and his countrymen, the place called PORT NATAL, together with all the land annexed; that is to say from the Tugella to the Umsimvoobo Rivers, Westward and from the Sea to the North, as far as the land may be useful and in my possession.

“Which I did, and give unto them for their everlasting property.

Mark X of King Dingaan.

*Witnesses,*

M. Oosthuisen.  
A. C. Greyling.  
B. J. Leibenberg.

Moaro x Great Counsellor.  
Julavius x do.  
Manondo x do.

105. By what means would you train the colored races to habits of industry?—I would endeavour to effect a change from pastoral to agricultural habits, which I apprehend could be done most effectually by limiting the quantity of land at their disposal, and by introducing among them suitable laws for that effect.

106. Do you happen to know any of the tribes upon our frontier?—I have no particular acquaintance with any excepting with one, the tribe of Matuana, whose former local position I knew in the present Sovereignty. Matuana originally came from the present Sovereignty and removed from thence a few years previous to the Dutch emigration, his tribe having been destroyed and the remainder driven out of that country by the Mantatees. From this cir-



cumstance and his language being a dialect between the Zulu and Sichuana, I should conclude he had no aboriginal claims to this country.

107. Would you recommend interference with polygamy by law?—I think the law ought more or less to restrain the practice of polygamy, if it were only in so far as to affect its future practice.

108. Had the Location Commission the confidence of the country, if not, what were the causes of this want of confidence?—The Location Commission comprised a number of the most estimable gentlemen in the country, but unfortunately they did not possess the confidence of the country, which I apprehend was in a great measure caused by the extensive locations which they favoured, and which obliged them to trespass upon the private rights of proprietors of farms.

109. Were certain registered farms thrown into these locations without the consent of the proprietors?—I could not say that every case would be without the consent of the proprietors, as it is my impression that some few were satisfied by exchange, but generally a disregard of these rights was manifested by the Government, and the few cases that were redressed tended to render those that were unredressed more aggravated.

110. By what process would you carry out your proposition to reduce the locations?—I would, in the first place release all first class registered farms, or where that could not be from buildings or other tenements standing upon them belonging to the location intended to be retained, I would make equitable compensation in the nearest adjoining lands. I would then have surveyed the surplus lands and dispose of them as Crown lands, at such a rate as would draw a speedy industrial population of white inhabitants upon them.

111. What object would you secure by scattering the locations?—I intend, by scattering the locations throughout the country, to secure to the agriculture of the country an adequate and equal supply of labor, and to prevent as much as possible the combination of the Kafirs for the projects of evil.

112. What sort of a country is it between the Umcomas and Faku's country?—I have been three times through the country in different directions, and I find the country along the coast somewhat broken, and wooded in the middle country; at the distance of some 30 to 60 miles it is flat and undulating, except along the large rivers where the country is also broken.

113. Do you contemplate colonization to any extent to the west of Natal, by introducing white inhabitants?—I can only contemplate the colonization of that part of the colony upon the ground of sound policy, as in my opinion it is the only way to prevent its becoming the resort of hords of strolling Kafirs and lawless tribes, which will be the future scourge of Natal and the Cape colony.

114. You are opposed then to the settlement of a large body of Kafirs anywhere?—I am, in any one locality.

115. Have you any additional reasons?—I think that to locate the Kafirs anywhere, render them difficult to manage. It retards their civilization, which can only progress in proportion to their becoming acquainted with good government.

116. Would you object to their being settled alone on a neutral territory to the west of Natal?—I strongly object to such a settlement, as I think the principle of neutral settlement and the half measures that have in accordance with such principles been adopted have brought about all the evils from which the old colony is now suffering.

117. You think to remove Kafirs from the proximity to civilization is to foster and perpetuate war?—I do, as it will foster and perpetuate heathenism.

118. Do you agree to the formation of locations on the coast?—I would not for obvious reasons form any new locations near the coast unless it should be found necessary in the future colonization of the country to the westward of the Umzimkulu.

119. In question 54 you do not answer so explicitly as is desirable is it your opinion that the Kafirs could have been taxed before they were placed in locations?—There were many of them taxed before they were in locations, yet it is obvious that the locations must have exerted an overawing influence upon them, and this, as far as it goes would show the practicability of ruling the natives by means of proper locations.

120. Did the general taxing of the Kafirs commence long after the locations were established?—About 2 years: and that establishes the important fact that when the loan was requested from the home government to commence the operations proposed by the location commissioners, a correct estimate of their success had been made by them, and that the funds requested would have been returned prior to the period mentioned by them.

121. What indirect means would you propose to bring about a desired supply of labor?—I would recommend that elements be embodied in the laws applied to the locations that would secure industry and increase the wants of the natives as much as possible, allowing as much land only as will furnish them a comfortable subsistence with industry.

122. Do you think that mission operations when properly applied tend to civilize the Kafirs?—Most certainly I do, but of course all depends upon their proper application; as evidence of this I may refer to a letter of the late Retief, speaking of the civilization effected in the Borolong tribe now occupying part of the Sovereignty:—

"From the great quantity of cattle with us we have been compelled to divide into several parties, but I am happy to say we have not here the plague of cattle stealers. The cattle which sometimes stray, are brought after us from 6 to 7 days journey by the Marroles people under the chief Moroko, and for which I remunerate them. Mr. Archbell, Wesleyan Missionary, deserves the highest praise for the manner and character of the institution established by him amongst this people, and it is to be wished that all those who profess to teach and lead the uncivilized, would take a lesson by him and endeavour to conduct them in the same paths of religion, industry, and justice."

To the above letter I would add that Moroko, the Borolong chief, and his tribe, with whom I spent several years, present a fair example of what unassisted christianity can effect in civilising a community. When I first entered upon my labors among that tribe they were naked, rude, and wild as any savage. They would steal anything, do anything, and say anything. Their habits, like those of the other tribes, were of the grossest complexion, and scarcely did they manifest powers that distinguished them from the more elevated instinct of the brute. After 10 years I left them a decent, semimodest, intelligent, industrious, and morally elevated people. European clothing was generally worn among them; they possessed wagons, horses, ploughs, and several other popular instruments of agriculture. An entire change had during the time I was with them passed over their political, social, and moral character, and since, I perceive, it has still progressed. In the late turmoils of the Sovereignty the Borolongs have been the faithful allies of the British Government, against the democratic insurrection of those who drank too deeply of foreign tuition. The Borolongs have lost the desire of barbarians for war, and are now among the class who are merging from the second transition stage to a still nearer approximation to civilization. The effects were produced under circumstances where no refined government could have the least influence. Industrial and moral leading under the blessing of God upon his own Gospel have been the means of effecting a general change in the character and disposition of a large tribe in 10 years. It is a remarkable fact that as in the Frontier disturbance so also in the Sovereignty not one of the communities that have been under the tuition of Wesleyan Missionaries have been found among the enemies of the British Government.

123. Does your experience lead you to believe that the efforts of the missionaries here have been attended with any success?—I have not had much opportunity of examination into that matter here, but I am aware that the missionaries here have been placed in very unfavorable circumstances.

124. Did you consider the position of Natal safer under the Volksraad than now?—Yes, because I think from the manner in which their government was carried on, less restraint was offered to prosecute measures which the country might summarily require. Such measures were called for to be adopted without delay, and were rendered efficacious from despatch, and were more merciful than procrastinating philanthropy.

125. Do you happen to know that an opinion is generally entertained that the government of the Kafirs in this country would be more ably administered by a representative government?—I do.

126. Are you of opinion that such a mode of government being granted to this colony would induce a better class of emigrants to come hither?—I believe it would. I have received letters that state as an objection to emigrating to this colony, the state of its government, especially relative to the native tribes.

127. Do you think that the possession of representative government here would have a tendency to bring closer a bond of connection between the colony and the Trans-Vaal Republic and the Sovereignty; and that such a result would be of service to Natal should danger arise?—I think so.

128. Do you consider that the power of the Zulu king, Panda, is becoming more formidable and dangerous to this colony or the contrary?—I do not think it is increasing, as from the incessant wars carried on by

that chief, and the desertion from his country, his power is being diminished.

By Dr. Addison.—

129. Have you given any consideration to the subject of the introduction of convicts into this colony, as bearing upon the effect it would have upon the Kafirs, and the safety of the district?—I think from the open frontier of our colony, and the small means at our disposal for controlling such a community, it is a most dangerous experiment to resort to.

J. ARCHBELL.

*The Rev. William Jefferd Davis* called in, and examined.

*By the President (Mr. Shepstone).* 1. In what year did you first come to South Africa?—In the year 1832.

2. I believe you came out as a Wesleyan Missionary?—I did.

3. Where were you first stationed?—At a Mission Station called Clarkebury, among the Tambookies, on the Bashee River.

4. How long were you stationed there?—Until the breaking out of the Kafir war in 1835.

5. Would you state the different stations at which you have since resided?—I removed from Clarkebury during the war of 1835. I was subsequently stationed at Butterworth, among Krel's tribe. From thence I removed to Fort Peddie; and from thence to Port Natal in the year 1846, since which period I have resided in this country.

6. You have been more or less connected with the natives, I believe, since you have been in this country?—Yes.

7. Are you at all aware of the number of the native population when you arrived here?—I have no data of my own upon which I can depend. But the general impression as to the number of natives then in the country was that they amounted to from eighty to one hundred thousand.

8. Does your observation lead you to believe that they have much increased in number?—I believe they have. But I would add that I think that the estimate made in 1846, was far too high.

9. Can you form any estimate, from your own observation, as to whether there are more or less than that number here now?—I cannot do so correctly, but I think a just estimate would be of three natives to one hut.

10. Have you arrived at that conclusion from personal observation?—Yes, from my own experience, confirmed also by the enquiries of others, in whom I place confidence.

11. From what, or from whence, has the increase arisen?—I believe there has been a natural increase in the population, and also immigration to this country from the tribes surrounding the District.

12. You are aware, I believe, that a system of locating natives in this District, has been adopted by the Government?—I am.

13. Do you approve or disapprove of that measure?—I approve of their being located according to the plan recommended by the Location Commissioners to the Home Government in 1847, with the exception of those Locations being too large in extent.

14. Then you would reduce the size of the present Locations?— I would reduce their size, and increase their number.

15. How would you regulate their reduction?—I think no Location should contain more than from four to six thousand natives, and not more than from forty to sixty thousand acres in extent; and that to each Location a European magistrate should be appointed, as recommended by the Location Commissioners. Presuming that the present Kafir population within the District is 100,000, I conceive that the existence of so large a number, scattered over the whole country, is fraught with danger to the permanent peace of the District, while the European population continues so small as at present. I think that it would be desirable either to remove a part of the Kafirs, or to increase the European population. But from the fact that the present Locations were appropriated for the Kafirs, as the land they were to occupy during good conduct, I think it would be dangerous to remove them, by force, to another locality at a distance from their present residence. I am, nevertheless, of opinion, that if a tract of country south-west of the Umcomas River were pointed out to them, as that to which those who were inclined to remove may do so, informing them, at the same time, that the present Locations would be reduced in extent, a large portion of those now in the Locations would remove without compulsion. I would, therefore, recommend the selection of a site for this purpose south-west of the Umcomas, to be placed under the supervision of a magistrate in the same manner as the Locations. Each magistrate having jurisdiction over not more than six thousand natives, and sixty thousand acres of territory. And, if possible, I would place each Location of this extent in a separate locality. I think, also, that to enable the Government to reduce the present Locations, others ought to be formed in different parts of the colony. I believe the Natal Kafirs have hitherto looked upon the English as their friends, and I should regret if that impression were removed, by any act which they with reason may regard as a breach of faith on the part of the Government towards them; and as I conceive that an attempt to remove them, by force, from their present locations would be thus regarded, I am of opinion that even if we have the means, which I doubt, it would be unjust and impolitic thus to act. They may at present submit, but if the Government act towards them so as to unite their sympathies as a people against us, they will bide their time, but will never cease to look for a favorable opportunity of revenge. At present, from the fact of the Kafir population of Natal being composed of the remnants of different tribes, they have no national feeling existing among them, and in this is our present safety. But I fear if any proceeding of the Government should furnish them with a bond of union which would unite them as one people in opposition, we should no longer be able to control them. I have always considered the large extent of the Kafir Locations a serious evil. I believe that were they reduced in size, and the residents in each Location prevented from removing to any other Location, or to different parts of the same Location, without sufficient reason being given to the Kafir Magistrate, that their nomadic

habits would be checked, and gradually they may be induced to adopt more fixed agricultural pursuits, rather than those of a pastoral character. The supervision over them of the Magistrate would be much more efficient in smaller Locations, and I think my view as to the desirableness of reducing the extent of these Locations has been entertained by the majority of thinking men in the colony, from the time of their first formation. I conceive that any plan which will tend to the civilisation of the Kafirs, will benefit equally themselves and the European colonists.

16. Would not your objection to the size of the Locations be met by the establishment of so many magistrates, and other establishments in different parts of their Locations, so as to leave only about three thousand under the jurisdiction of each?—To some extent it would, and were the European population increased, entirely so; but I fear that at present the Kafirs are mixed up so intimately with the small European population, that there is danger to the peace of the community arising, from their number being so large.

17. Do you consider that danger to have arisen since the recommendations of the Commissioners for locating natives were made, or did it exist at the time?—I think it has arisen since.

18. Then do you think that if the recommendations made by the Commissioners had been adopted, that that danger would have been obviated?—I think so, provided that no location had contained more than 4000 to 6000 inhabitants, and not been larger than from 40,000 to 60,000 acres in extent.

19. Then you would consider the jurisdiction of each magistrate as a separate Location?—Just so.

20. Do you think there is any greater obstacle now to such being the case, than when the recommendation was made?—I think not.

21. Then am I to conclude that you have no objection to the Locations as they now stand, provided they were governed by magistrates in the proportion I have before named?—My conviction is that it would be desirable, if possible, to induce a portion of the Kafirs, now residing on their locations, to emigrate to the south west of the Umcomas river, as I think the permanent peace of the District would be the better secured thereby: with this exception, and that of allowing only from 40,000 to 60,000 acres, to from 6,000 persons, I have no objection.

22. Do you think it essential to the safety of the District that a portion of the native population should be removed beyond the Umcomas?—Unless the European population be increased, or a part of the Kafir population now within the District removed, it will ultimately endanger the safety of the District.

23. Then do you think it advisable to remove them, but not practicable in our present circumstances?—I think that, under no circumstances, should they be removed *by force*, as this would equally endanger the peace of the District, as leaving them where they are.

24. Do you think that the faith of the government has been, in any way, pledged to the natives as regards the appropriation which has been made of lands for their use?—I do.

25. Then do you think that their forcible removal would be a breach of this faith?—I am decidedly of opinion that the faith of the government is as solemnly pledged to the natives, in the permanent appropriation of the Crown Lands, included in the Locations to their uses, as it is to the original emigrants found here by Her Majesty's Commissioner, H. Cloete, Esq., in 1843. I would support this view by the following extracts from published documents of the government:—

1. In an instruction furnished to the Commissioner, dated 18th May, 1843, he was then directed—"In reporting upon the claims of applicants (for land) within that territory, you must carefully ascertain that the land so claimed, is not also claimed, or held, or occupied, by any native chief, or native people." And on October 11th, 1843, he was directed "to make known to the emigrant farmers, and native tribes, that you were directed, in May last, to cause the claims of the natives to lands which they either held or occupied, to be scrupulously respected."

2. In an instruction to the Commissioners for locating the natives appointed by the Lieutenant Governor of Natal, dated March 31st, 1846, and under which instruction the said Commissioners acted, in placing the natives upon their present Locations, it is stated that "the public faith has, also, been pledged to the natives not to disturb them in the selection and occupation of any lands remaining at the disposal of the Crown."

3. In a communication of Mr. Shepstone, Diplomatic Agent, to the Secretary to Government, dated April 25th, 1846, he writes "with regard to the distribution and tenure of the lands to be allotted to them (the natives) I do not see any advantage in giving them individual titles to all, or any, portion of them; I am of opinion that it would better answer the end of their own government that each of their Locations should remain Crown Lands appropriated solely to their use. To my mind the faith of the government stands as deeply pledged to the natives, in such solemn appropriation of lands for their use, as in the granting of a title deed."—Vide "Blue Book," 14th August, 1850, page 46.

In Lieutenant Governor Pine's dispatch to the Governor of the Cape, November 1st, 1850, speaking of the farms within the District, he observes—

"They should be divided into two classes:—1. Consisting of the claims of the original grantees of farms, and of purchasers from them who had bought the farms, *bonâ fide*, before the boundaries of the Kafir Locations were known. 2. Of the claims of persons who had purchased such farms, after their boundaries were known, and who, therefore, bought a mere naked claim on the government for compensation."

This last extract I consider as establishing the fact, that the boundaries of the Locations had been fixed, that this was generally known, and that the "solemn appropriation of lands for their use," which Mr. Shepstone spoke of in his communication of April 26th, 1846, of which he observes that by such "solemn appropriation, the faith of the government stands deeply pledged,"—had then actually taken place.

3. I would add that, from my intercourse with the natives, *they* themselves have been given to understand that the Locations were

secured to them permanently, unless they, at any time, rebelled against the government.

26. Are you aware that some parts of this District are inhabited by natives who have aboriginal claims?—I am.

27. Do you consider that these claims are entitled to the special consideration of the Government?—Yes.

28. In what way would you propose to distinguish between individuals with regard to such claims?—I think I would not attempt it. I would state to the chief who was found in this country as exercising authority over those individuals who have no aboriginal claims, that the Government consider that his tribe has a territorial right in the country, to an extent equal to the maintenance of the number of his followers found with him by the British; and I would leave it to him to decide as to the individuals who are to be included in that number. At present, I would give the Kafirs no individual rights in land.

29. What would be your guide in fixing the number?—It must depend upon the evidence, which should be satisfactory to the Government, as to the number who have that claim.

30. But would not that course involve investigations into the personal history of individuals?—I apprehend it would not be necessary so minutely to go into their individual aboriginal claims as to involve that difficulty.

31. Then would you fix an arbitrary number?—Yes, founded upon the evidence which shall be within the reach of Government as to the just claims of each tribe.

32. Then your enquiry would be chiefly confined to the history of the tribe generally?—Decidedly so. Inasmuch as the claim is one of a tribal character, rather than that of individuals.

33. Would you vest these rights in perpetuity in the hereditary chiefs of these tribes, or would you recommend that they should be vested in any other manner on their behalf?—I would vest them in perpetuity, for the benefit of the tribe, in trustees, to be appointed in the manner recommended by the Location Commissioners in 1847.

34. You have stated that a considerable accession to the native population has taken place since you arrived here. Have you any plan to propose, by which such accessions from without the District could be prevented for the future?—I know of none; but I would suggest that all those who shall, for the future, cross the boundaries of the District, from the surrounding tribes, should be placed in the open country south-west of the Umcomas.

35. Are you aware that the Zulu power is chiefly composed of tribes heretofore vanquished, and incorporated therein?—Yes.

36. You are also aware that most of the heads of these tribes are within this District?—Yes, I am.

37. Then do you consider that in addition to a desire to fly from the cruelty of the Zulu Government, there is a natural inclination, on the part of these people to enter this District?—I think so.



38. Do you think it would be possible to separate people who enter the District under these circumstances, from the friends to whom they have fled?—It would be difficult so to do; but I think their being required to reside south-west of the Umcomas, would operate as a powerful preventive to their entering the District at all; or otherwise to induce the heads of those people themselves to remove to that locality.

39. Do you think any police arrangement would be sufficient to prevent the entering into this District of people flying for their lives?—I think not, except they themselves were slain by the police.

40. Don't you think that the only efficient remedy would consist in the amelioration of the Government, from whose tyranny and severity they fly?—I think so.

41. Do you think these accessions of the native population are an evil, and if so in what respect?—I think the large accessions to the native population are an evil, inasmuch as the large preponderance of barbaric influence already in the country, tends much to check the progress of civilisation among the Kafirs themselves; and while the European population continues so small, it endangers the peace of the District.

42. Are you of opinion that a civilised Christian Government would be justified in refusing protection to individual refugees, flying such tyranny and cruelty as is practised by the Zulus?—I think not, as to individuals entering the District under those circumstances.

43. Are you of opinion that the large accession to the native population has been caused chiefly by individual refugees, or by their entering in bodies?—I have no data on which to form an estimate, but I know that this accession has taken place from both causes.

44. Are you aware if any migration from this District to beyond it is taking place?—I have heard of such migration, as a matter of news among the Kafirs themselves, but I have no personal knowledge of this.

45. To what do they, or do you, attribute it?—One reason, I think, is that they feel to some extent the restraints imposed upon them by a civilised government; and another reason is the operation of the hut-tax, which they wish to avoid.

46. In what direction have you heard that this migration is going on?—From the south-west of the Umcomas river to the district beyond the Umzimkulu, which is the south-west boundary.

47. Are you aware whether any magistrates have been appointed in the region from whence this migration is taking place?—I believe no magistrates have been appointed there.

48. Then how do you account for their desiring to escape from the restraints of a civilised Government?—Because I believe that through the agency of the Diplomatic Agent's Office, those restraints are being, to some extent, enforced in that locality.

49. Have you any observations to submit to the Commission, as to the internal management of native Locations?—I think the plan suggested by the Commissioners for Locating the Natives, in 1847, if uniformly and vigorously carried into action, would be all that would be required for the efficient management of those Locations.

50. Do you think uniformity of management a very essential element in the government of native tribes?—Decidedly so. And I would suggest that, in all internal arrangements, with regard to the government of these Locations, the principle should ever be kept in view, that the power enjoyed by the chief is one delegated to him by the Government, which is supreme in the colony.

51. Would you curtail the powers of the chiefs?—I would accurately define them, in all the details of the exercise of their powers; and I would do this by an Ordinance to be presented to, and passed by, the Legislative Council; fixing the powers and jurisdiction both of the magistrates on all the Locations, and the chiefs over whom they preside.

52. What description of authority would you leave to the chiefs?—I would give them authority in the management of the general affairs of the tribe; I would continue to them their rights of service rendered to them by their people in virtue of their chieftainship, and in minor matters of dispute, of a civil character, to be fixed by the Ordinance before-mentioned. I would give them judicial jurisdiction, always reserving to the litigants the right of appeal to the Magistrate.

53. Do you think it would be advantageous to make these chiefs paid officers of Government?—I think so; inasmuch, as by this regulation, they would be more effectually under the controul of the Government, and would themselves feel that the authority which they exercised was on behalf of and for which they were to be responsible to the Government.

54. Would you still continue to them the right to require the services of their people?—I would, excepting for all purposes of war, forbidding them to assemble their people in arms for any purpose without the previous consent of the Magistrate.

55. Have you any acquaintance with the laws of the natives as administered among themselves; or have you any observations on that point to offer to the Commission?—I have some acquaintance with those laws, and I think, when fairly and justly carried out, they are well calculated to operate beneficially for the management of a people circumstanced as the Kafirs are, with a few exceptions. These exceptions refer to the more serious criminal offences, and especially to those laws which apply to the crime of witchcraft, which are cruel and their consequences, and, place in the hands of their high, when Kafirs are in their independent state, is the vilest and most tyrannical purposes.

understand from the term witchcraft, as applied natives in this country?—The Kafirs have no from natural causes. They consider that all reduced by supernatural or by diabolic influences or death, the first action in the mind of a

Kafir is to endeavour to bring together a concatenation of circumstances which will justify him in suspecting some person of being the cause of the sickness or death of the person in question. Usually an application is made to a doctor, that, by his incantations, he may discover the individual guilty of the crime of causing the evil. The person thus accused is viewed by Kafir law in the light of a witch or wizard. No legal proof is required of his guilt. The accusation of the doctor is usually sufficient to ensure his destruction.

57. Do you consider these accusations uniformly groundless?—I do consider the charge of witchcraft as groundless.

58. Does not the charge of witchcraft, as used by them, frequently embrace offences cognizable by civilized laws?—It sometimes embraces cases of poisoning; but I think a civilized Government should not recognize witchcraft; cases of poisoning may be dealt with as such.

59. Do you think there is a great want of colored labour in the district?—I have heard complaints very generally on that ground.

60. Have not those complaints usually had reference to the uncertainty of retaining, rather than of procuring, coloured labour?—I have heard complaints on both heads, but more so with regard to the former than the latter.

61. Have you any remedy to propose on this head?—I think this evil might, in a great measure, be obviated by a general registration of the Kafirs, so that the employer may know where and by what means to find the individual who has absconded from his service.

*By Mr. Moreland.* 62. In endeavouring to raise the Kafirs, as a people, does your opinion as a missionary prompt you to advise approved measures of instruction being adopted with a view to civilize, in order to Christianize, or to Christianize in order to civilize?—I am of opinion that no attempts to introduce civilized habits among a rude and barbarous people will be attended with success, unless they be first brought under the influence of Christianity. I found this opinion partly upon the history of the world since the establishment of Christianity; partly upon my own experience and observation in South Africa during the past twenty years; and partly upon abstract principles. History gives no instance of a people being thus raised from barbarism to civilization since the Christian era, independently of the influence of the Christian religion. In the early part of the history of the settlers on the eastern frontier of the Cape Colony, an attempt was made to establish a commercial intercourse with the Kafir tribes by the Colonial Government, before missionaries were much amongst them; but this almost entirely failed until missions were established. Another instance occurred in this country. Long before this was a British colony, a number of Englishmen settled in Natal. They lived among the natives, and established a commercial interest. Several of them were men of education, had moved in good and respectable society, and they exercised much influence over the natives. They were, therefore, in these respects, qualified, and in a position, to civilize them. No missionaries were included in their number; but it is well known that no results favorable to civilization followed. In my long experience among barbarous tribes, I have ever found that those natives only who were more or less under the influence of Christianity were desirous of adopting the civilized habits of Europeans. On abstract principles, I

consider that no scheme but that which embraces the inculcation of moral principles and motives on the human mind, will succeed in raising a people from barbarism to civilization; and, as a Christian, I know of no system but Christianity which will effectually bring the mind under moral restraint. I believe, if a rude and barbarous people be raised intellectually, by the imparting of knowledge unaccompanied by moral elevation, they will thereby be placed in a position to carry out more efficiently the evil propensities of their nature. By an increase of knowledge, men are enabled the more energetically and speedily to accomplish that which they design; and hence, if a barbarous people increase in knowledge, without imbibing principles of moral restraint, that knowledge will only invest them with an increased power of evil. It is, moreover, a fact, that proves this reasoning to be founded in truth, that a people in a transition state, from barbarism to civilisation, invariably acquire the vices, rather than the virtues, of that civilisation, and superadding these vices to their own, they thus become monsters in vice, unless restrained by the influence of Christianity. I would add, that while I consider Christianity as alone forming the basis of all true civilisation, that every means within our reach should be employed in endeavoring to check, by wholesome legislation, the existing barbarous customs of the natives in the colony, and to introduce, by industrial schools and other approved means, habits of industry, and the arts of life and civilisation. What I question is, the practicability of effecting this without the spread of the Christian religion among them.

63. Would you propose industrial schools to be established by the Government, and managed by a Board of Commissioners appointed by it, or that such a training should be left in the hands of the missionaries solely?—I would recommend that the Government themselves should institute and have the management of these industrial schools, if established independently of educational institutions. But I am of opinion that the educational and moral training of the Kafirs should be in the hands of the missionaries. I think, moreover, that these industrial schools should be so planned that their arrangements may not interfere with the procuring the youths of the Locations for labour by the European residents in the colony. Perhaps the wisest plan would be to receive lads into these schools up to a certain age, and then to allow an apprenticeship to some European until the youth attain to a further age, to be fixed by the Government. Of one thing I am quite convinced, viz., that no plans of civilization will succeed which does not require the youth to labour in industrial arts; inasmuch as, without this, they will grow up, as now, in habits of vagrancy, only varied by licentious and warlike pursuits.

64. What beneficial results have arisen from the labours of missionaries among the Kafir tribes as known to yourself in this country, or among the frontier tribes of the Cape Colony?—A general knowledge of the truths of revelation has been imparted to the tribes between this colony and the Cape colony almost universally. There are connected with our own Wesleyan missions amongst those tribes 1,371 members, and 227 catechumens. There are 20 day schools and 43 Sabbath schools. We have upwards of 3,000 scholars, and we minister to more than 20,000 hearers. None of the tribes of the immediate frontier of

the Cape Colony with whom our missions are established have joined in the war now existing against the colony, but have materially assisted the British Government. A great number of the members of our church, and of the residents on our different mission stations, have fought side by side with the British soldier, and many have been slain in defence of the colony; and in two other interior tribes who have partially joined in the war; that part of the tribe, residing in the immediate neighbourhood of the mission station, have refused to join the chiefs in hostilities against the British; and in both cases a migration of that part of the population in the neighbourhood of the station has taken place so as practically and unmistakeably to show that they were unconnected with that section of the tribe which was engaged in the war. They have done this at immense sacrifice, having in one of the instances abandoned the whole of their standing crops which were almost ripe for harvest, rather than join the belligerent part of the tribe. Our success in Natal has been but small, having but recently commenced our labours among the Natal Kafirs; but yet we have here results which give us great encouragement to persevere. We have in Natal upwards of 160 communicants, 50 catechumens, 4 day schools, 12 Sabbath schools, and 300 scholars, among the coloured and Kafir population. The number of Wesleyan missionaries labouring in Natal, including the colonial towns, is six, and two others are appointed, who are shortly expected.

65. Are you of opinion that the colonists are to blame for the present Frontier war, or for the wars of 1835-36, and that of 46, or that the Kafirs have been driven thereto by acts of injustice on the part of the British government; or, on the other hand, is it your opinion that the Kafirs have had no adequate cause for making war on the colony. And further, are you of opinion that similar results may be expected here?—I believe no blame can be attached to the colonists in regard to the wars that have occurred in the Cape Frontier, mentioned in the question, neither do I consider the Kafirs to have had any adequate cause for the wars which they have unjustly waged against the Cape Colony. I am not aware of any acts of injustice, on the part of the British Government towards them, but I believe that Government has erred by pursuing, a vacillating, and, in some instances, too lenient a policy towards them. Measures of a punitive character have too often been threatened, and not carried out. This has caused the Kafir to suppose that the Government lacked the power to enforce the measures they contemplated. This impression of the weakness of the Government, and the facility with which the Frontier Kafirs have been allowed to acquire guns and ammunition, together with their natural cupidity having been excited by the flocks and herds of the colonists, have been the cause of the wars on the Frontier. With regard to this country, I believe these results may be prevented by a different line of policy on the part of the government, if that policy be carried out with promptitude and vigor.

66. Do you think that the people, having a voice in the legis-

lature, would enable the Local Government to rule the Kafirs with more advantage to themselves, and the District generally?—I think representative government would be beneficial in this respect.

67. What effect do you imagine the introduction of convicts would have upon the natives in this District?—I believe it would have a most vicious effect, and would introduce among them crimes and vices which would tend to their own ruin, and that of the white population.

*By Mr. Harding.* 68. You have said that you think representative institutions would be beneficial. Can you tell us how you propose to represent the Kafirs in a representative assembly?—I have no decided opinion on this matter. I think the question will properly belong to those who frame and recommend to the Home Government the constitution of such a representative assembly, but I think, as a principle, the Kafirs ought to have a recognised representative, but in their present state of ignorance and barbarism, I think the choice of that representative should rest with the Crown.

69. How many representatives appointed by the Crown, would you grant the Kafirs?—I think, in their present state, one would be sufficient.

70. Do I understand you to say that the Kafirs would have no voice in the person who was to represent them?—In their present state, I think not.

W. J. DAVIS.

**PROCEEDINGS**  
**OF THE**  
**C O M M I S S I O N**  
**APPOINTED TO INQUIRE INTO**  
**THE PAST AND PRESENT STATE OF THE KAFIRS**  
**IN THE DISTRICT OF NATAL, AND**  
**TO REPORT UPON**  
**THEIR FUTURE GOVERNMENT, AND TO SUGGEST SUCH**  
**ARRANGEMENTS AS WILL TEND TO SECURE THE PEACE**  
**AND WELFARE OF THE DISTRICT,**  
**FOR THE INFORMATION OF**  
**HIS HONOR THE LIEUTENANT GOVERNOR.**

---

**PART III.**

---

**NATAL:**  
**PRINTED AND PUBLISHED BY J. ARCHBELL AND SON, AT THE**  
**OFFICE OF THE "NATAL INDEPENDENT," AND "NATAL**  
**GOVERNMENT GAZETTE," PIETERMARITZBURG.**

**1853.**

**[Price One Shilling and Sixpence.]**





### PART III.

#### NATIVE COMMISSION.

Examination of the Rev. James Archbell resumed, Dec. 21, 1852.

*By Mr. Barter.*

130. What are, in your opinion, the desiderata of this Colony?  
—Good government and a speedy colonization of the vacant country.

131. What steps would you take to insure an influx of Emigration to Natal?—In order to secure rapid colonization I would grant out to settlers crown lands in the present colony and in the British Territory on the west of the Umzimkulu, upon a small quit rent of say one penny or two pence per acre for 15 or 20 years, when the property should become freehold. The lands should be granted out in quantities proportionate to the probable capital to be employed upon them, for it is folly to keep lands at a high upset price, while the country lacks the population to purchase. In order as much as possible to release the capital for the culture of the ground, let the government be content to take annual instalments for the purchase price of lands. In this the revenue would not suffer but gain, as the capital would be employed in the produce of duty paying articles. It would also give additional security to the colony, and probably save thousands that would otherwise be expended on a Kafir war.

132. Do you think that the reduction of the upset price of land would be an injustice to past purchasers?—I do not think it would be injustice to past purchasers. Every seller has a right to accommodate his terms to the times and as well might the purchaser of a private farm complain to the vendor as a purchaser of Crown Lands of extortion herein supposed. Besides it will be an advantage to all landed proprietors who up to this time have not made of their farms the mere amount of quit rent. When the country is filled with inhabitants the price of land will rapidly increase. The low price of land is the result of scarcity of inhabitants. Hence the consequent insecurity and the inability to employ land to useful and profitable purposes. No inducement should be withheld to bring an additional white population to the colony. This is essential to its success and safety.

133. Do you think that either the granting of lands to emigrants, or the reduction of the upset price to a mere nominal sum, would depreciate the value of land?—It would not in many instances diminish the value of private lands, as new emigrants in many cases would prefer the fine lands, richly cultivated and built on by private holders.

134. Do you think the present upset price of land unfavorable to the prosperity of the country?—I do. It does not hold out encouraging hopes to a new population. The present upset price of land leaves the farmer without the possibility of settling his sons. In the whole colony is not to be found a colonist of any class who can pay down £1200 for a farm, yet this is the condition upon which crown lands are to be sold. It is natural for men who find all hopes thus closed upon them to remove to other colonies where they obtain lands upon favorable terms. Such removal ought to be counteracted by immediate offers of accommodation to those who are desirous of remaining but will otherwise be compelled to leave.

135. Are you not aware that, with the single exception of Eastern Canada, the upset price of land is less in Natal than in any British colony?—I am, but I am also aware that Australia was in the sure way to ruin from the "Sufficient price System" from which nothing could have saved her had not the discovery of precious metals rescued her. The price system of the New Zealand Company was its bankruptcy, and to the same cause alone is to be attributed the failure of the Canterbury settlement. In my opinion it is a very short sighted policy to depend upon the sale of Crown lands for the support of a new colony. It is feeding upon its own vitality. As a general rule wherever private properties are sold at a lower price than crown lands it is a sure sign that the upset price is too high to promote the prosperity of the colony.

136. What effect is produced by the scarcity of white population in this District?—From the want of population Natal is more a grazing than an Agricultural country. Consumption is small and hence little demand, markets are few and too distant to ensure remunerative profit to the Agriculturist. It is on this account that such large farms are required. Cattle breeders require room and a 6000 acre farm cannot be regarded as too large for such pursuits. This unavoidably renders the population isolated and scattered and exposes them to Kafir aggressions.

137. Do you think, supposing that the Kafirs were put under suitable restraint, that the lands are such as to ensure success to the Agriculturist?—I do. The land is almost every where well suited for every purpose. The coast lands are essentially cotton and sugar growing soils and from their proximity "to the coast" will become exceedingly valuable. The midland between the coast and the Quathlamba are grain and grazing lands, especially upon the first ranges, taking the heads of the second class rivers by which

they are abundantly watered and fitted for a denser population than any other part of the colony.

138. In your *visa voce* examination you said that free Institutions would be of great advantage in securing an influx of population—from where do you expect this increase?—There can be no doubt that with the capabilities of Natal a large population can by a proper arrangement of the political affairs of the country be drawn hither, both from the Boers of the Trans Vaal and the Sovereignty, and also from the old colony. Emigration will again commence (in England), and in less than three years from such an event as a Representative Government, the land will be placed beyond danger from the cupidity of the native tribes. The colony of Natal cannot revive without free institutions. The people already here cannot rely upon the operations of the present form of government, and emigrants will not come while the colony is ruled by such a system. With free institutions, by which I mean a Legislative Council, a Chamber of Representatives, Local Boards and Borough Corporations, such a colony as Natal, with its climate and its soil, cannot fail to become one of the most valuable possessions of the British Crown.

139. Do you think that we have within the colony the material to form a Representative Government?—I do, the colony is now possessed of a good portion of intelligence, respectability and landed wealth.

140. Can you tell me the chief causes of the different emigration of the Boers?—The white inhabitants left Natal in the first instance shortly after the recapture of the Point by Colonel Cloete for the reasons that induced them to leave the old colony, a determination not again to live under the British Government. Subsequently great numbers left the colony from the injustice done them in taking from them the lands they had earned with blood and treasure, not declining to fulfil the unreasonable demands of a few, but leaving a large portion of the inhabitants without lands or the least means of subsistence, while the lands they had occupied and in some instances built upon were taken from them and given to the Kafirs. The location Farms were wantonly wrested from the rightful owners and were retained in direct opposition to respectful applications. Some of the applicants were insulted with derisive protestations that they should neither have the farms nor compensation and authority ran wild in depriving the colonists of any right whatever, though the Proclamations of 1843, and subsequently, guaranteed their right upon the faith of the crown. It was not matter of surprise that the farmers who, on account of alleged faithlessness, had expatriated themselves from the old colony, should at once remove, when they found the colonial government disposed to render their already steeled bondage still harder. Here we have the secret cause of the trek of the hundreds who now peo-

ple the Sovereignty and Transvaal, never more to depasture with their herds, the verdant plains of Natal.

141. What has been the effect on the Kafirs, of British rule in Natal, and what would be the probable effect of continuing to govern Kafirs by a refined code of law!—The effect of British rule upon the colored tribes, is most fatal to their civilization, and to the interests of white inhabitants. To carry out the whole system of British rule, fitted as it is for a state of high refinement, would be cruel, and in many cases. judging the Kafirs by an *ex post facto* law, yet to lax into indifference, to the licentiousness of barbarism, is destructive to government and to the interests of civilization. The effect of our government upon the native tribes, is ably set forth in the Location Commission Report, of 30th March, 1847, published in page 132, Blue Book, and in Mr. Shepstone's examination in the *Government Gazette*:—

"As before stated, the number of natives residing within the district has been estimated at 100,000, and we are inclined to adopt this estimate. Their universal character, as formed by their education, habits, and associations, is at once superstitious and warlike; their estimate of the value of human life is very low; war and bloodshed are engagements with which their circumstances have rendered them familiar from their childhood, and from which they can be restrained only by the strong arm of power; their passions are easily inflamed, while at the same time they have grown up in habits of such servile compliance to the wills of their despotic rulers, that they still show ready obedience to constituted authority.

"Their present peaceful circumstances they have enjoyed but for a few years past, that is, since the occupation of this country by the white man. Previous to that period this district was comparatively a wilderness, uninhabited except by a few wandering fugitives, possessing very little of any property, and whose lives even were rendered miserable by the uncertain tenure upon which they held them. This desolation was induced by the wars of its former inhabitants amongst themselves, and their ultimate extermination or subjugation by the Zoolahs—a tribe which, under the ambitious and enterprising Chaka, grew into a formidable power from the wreck of its neighbours—and desolated the country from Tugela to St. John's River. In the struggle which ensued with the Emigrant Beers to maintain this desolation, the Zulahs, under Dingaan (Chaka's assassin and successor), were defeated by the emigrants with great slaughter; but their power was far from being destroyed, and they remained as they at present exist—a formidable power, in the immediate border of the district.

"The native population within it is now no longer subject to such vicissitudes. It enjoys undisturbed the result of its industry, and is fast acquiring the only description of property it looks upon as real, viz., cattle and other live stock; but while it enjoys the utmost amount of protection which can be afforded to British subjects, it feels itself as yet subject to a very small, if any, amount of wholesome restraint. Its own chiefs, to whom, under other circumstances a ready obedience would be given, are being disregarded, as gradually, by the operation of our laws, it is discovered they possess no constitutional authority; and thus from the extreme depths of the most cruel despotism, its finds itself suddenly raised to a position in which it would be considered a dangerous experiment to place even civilized communities.

"The natives, own laws are superseded; the restraints which they furnished are removed. The government of their own chiefs is at an end; and although it is a fact that British rule and law have been substituted in their stead, it is also true that they are almost as inoperative as if they had not been proclaimed, from a want of the necessary representatives and agent to carry them out. Thus, in point of fact, 100,000 natives are at this moment living within a district of

Her Majesty's dominions without any law whatsoever actively and efficiently operating among them. The danger of such a state of things scarcely needs our pointing out; its consequences are as obvious as any simple circumstance of cause and effect can be, and the longer it exists without the application of a remedy, the more difficult will be the ultimate undertaking. The spectacle of unrestrained freedom which the natives living within the district present to those without, renders the black population liable to immense accessions to its numbers from the subjects of the various chiefs across our border; and this will as much as anything excite their hostility; and should any active operations be undertaken by them against us in the present circumstances of our district, we shall with an overwhelming native force at our disposal; be subjected to disadvantages and confusion, from an absence of the means of organizing and directing its energies.

I do not pledge myself to every sentiment expressed in that able report nor to all those of the extracts above mentioned, I think too great an estimate has ever been made of the power of Dingaan, and his successors.

142. Would you state your plan for the management of the Kafirs on the locations you have recommended?—I would govern the locations by a white magistrate with a board of Native Councillors of whom the chief of the tribe should be the principal. In all cases among themselves the decisions of this court should be final, but in any case where a white man is a party, the native court should be incompetent to try it or at least appeal to a higher court should be allowed. The magistrate to be furnished with a clerk and a constable of European extract and the remainder of the officers to be Kafirs. All capital crimes to be tried by the Recorder or Judge of the District. I would make the internal government of the locations uniform. It should be simple, clear, and distinct, and become the authority of Legislative enactment, the same as Municipal rules. I would break down as much as possible all barbarous usages, and pay the chief of each location a competent salary. The effect of the latter would be subjection to the control of government. The magistrate of the location to be nicely accurate in registering the natives. This is important in numerous aspects, to detect desertions is not the least. Upon the subject of investing the colored classes with rights to land I would give all the heads of houses certain town allotments upon fixed conditions. They should be alienable to one another, the seller having arranged to purchase at some other location or in some other part of the same location. All these sales should be effected under the eye of the Magistrate, and these properties should be forfeitable only when the owners shall abandon the colony. The colored man has a disposition to acquire property, and in this is the germ of civilization. If they have property to lose by war, they will not so wantonly indulge in it.

143. Would you state more fully your reasons for curtailing the locations?—The present extensive locations are objectionable upon the ground of their drawing the labour of the colony to one part. The plan of small locations will distribute the labor. The

land commission aware of this proposed that each location should not exceed 50,000 acres, giving 250,000 acres for the Kafir population, or about three acres per head calculating them at 75,000. This was approved in Earl Grey's despatch 30th Nov. 1849, who enjoined the formation of small locations and the taking of an accurate census. The large locations have created danger to the Colony in bringing too many of the tribes into proximity with each other, and uniting in some degree their sympathies in antagonism to the white man's. They have by an overdue provision fostered indolence, and an opportunity for concocting mischief,—

[I would refer to the despatch of Earl Grey dated 30th November, 1849, No. 400, printed in Sheet E, of the Commission examinations, and attached to the answer of question 84, in Mr. Shepstone's evidence.]

The reduction of the locations and the investing the Kafirs with property will prevent them from inducing strangers to enter the colony. They will not have ground at their disposal to give them, and without ground they cannot settle any where. Upon crown lands they would easily be discovered, and upon private farms they would not be allowed to remain. They could not be in the colony without our knowledge. In the extension of the locations the Location Commissioners departed from the principle laid down in Earl Grey's despatch, and assigned 2,000,000 acres of land upon their own authority, which has never been confirmed to the present time, if indeed it has ever been submitted to the home authorities. Of the latter I cannot call anything to remembrance. The extent of locations, situation of new locations, rules of government, &c., &c., would be best fixed by a committee of experienced colonists, interspersed with the representatives of any interest that may be involved in the question. As far as my own experience goes I see no fastnesses in Natal to which the Kafir could flee for security. There is no Fish River, Keiskamma, or Kei Bush here, and a few shells would, in my opinion, soon unearth them from the supposed safe retreats. I do not sympathise with the views expressed on this subject.

144. From what data do you arrive at the conclusion that the average calculation of 3 Kafirs to a hut is a fair one?—I found my estimate upon data derived from intercourse with the natives of South Africa during 35 years, but especially upon the numbers comprising the tribes of Borolong, Basutus, and Mantatee—tribes that are more social in their habits and hence live together in large towns, though of similar customs to the Zulu. In the Borolong town were 4000 huts (taking them in round numbers) and 12,000 individuals. In the towns of Basutus and Mantatees I arrived at the same conclusions. The population of those towns was as easy of numeration as that of Pietermaritzburg. I have already allowed 3 to a hut.

145. Would you also state your grounds for the opinion that 4 or 5 acres to each Kafir would be amply sufficient?—The extent of territory occupied by the 12,000 Borolongs above alluded to was certainly not larger than six first class farms, or 36,000 acres, giving therefore 3 acres to an individual. The tribe of Basutna, more in number, had not a larger territory, and the Mantatees, with many more people than either of the others, had not so extensive a country. These tribes increased in wealth and advanced in civilization, especially the tribe of the Borolongs.

146. Do you think the plan of affixing badges to the Kafirs of this colony a good one, and in such case would you refuse protection to all others?—I do not think a badge of any kind suspended from the neck will be of any use. The thing was tried in the old colony and failed. I think the Government would be justified in refusing protection to refugees when the incessant increase from such refugees endangers the peace and safety of the colony.

147. Do you not think there are few, if any, who have absolute aboriginal claims to the soil, even including those whose rights were recognised by Her Majesty's Commissioners in 1843?—Of the aboriginal claims of the Kafirs to the soil of Natal, it is a well ascertained fact that the whole of the southern and eastern population has been moving for generations back. The present frontier inhabitants of the old colony, the Gaikas and the rest, now occupy a territory and call it theirs by right of conquest from the Hottentots, who have been gradually forced upon the southern promontory. All the rivers of that part bear Hottentot names, and it is yet doubtful and a point by no means settled whether some at least of the clicks of the Kafir language as spoken on the frontier, have not been introduced into the language by amalgamation with broken-up tribes. The name of God in Kafir is pure Hottentot, and so are many names of animals, and instruments and means of action. The present race of Natal forms the remnants of broken-up tribes, who with few exceptions cannot trace their possession of the country beyond a generation, and some not beyond 8 or 10 years. Then they were a conquered people and did not generally retain their position. The Diplomatic Agent even allows that many lost the strength of their claim to the soil in fleeing from it before the conqueror—(See reply to question 46.) As to the *claim* of the Kafirs, *legal* claim they can have none, since the whole country was ceded by Dingaan to the Boers, and was subsequently won by them in the way of conquest. None can perhaps trace their occupancy to more than two generations. Nor have they any greater legal claim from the alleged pledges of Government relative to locations. These were provisions never at any time ratified either as to positive right or boundary, and are liable to be broken up at any time. The locations rest upon the same ground as second class farms, which by a late case tried before the Recorder are legally mere provisional arrange-

ments. The moral claim stands upon firmer ground. The Kafirs require a provision, and a good government will always mark the connexion between industrial training and moral teaching in effecting their civilization. The Government stand pledged to grant to the Kafirs at least a reasonable amount of land in the locations or elsewhere, and the same moral bonds rest upon the second class farms. That nothing was permanently done in the locations is evident from Mr. Shepstone's letters of April and December 1850.

148. Do you think that the apprenticing young Kafirs not only to farmers but to tradesmen, would tend to their civilization?—One great point to be attained is to fix habits of industry in the native population. This may be done by industrial schools under suitable management, and the training of the youth of both sexes by a system of apprenticeship. Let not this be called slavery. The end to be attained is too high to be thus criminally designated. Let the youths of both sexes be fixed with families for domestic culture, and with tradesmen for a series of years, under the protection of government. Yet it will be found that the general civilization of the mass will arise out of the general intercourse with refinement, which they will imitate and thus acquire wants which will become imperative and indispensable. From this will spring industry to obtain the means. I have ever found it to be the case, and it is after all the natural course of events, and is not "terrific" in principle, evincing nothing like serfdom or slavery.

149. Have you observed among the Kafirs any symptoms of ingenuity in arts or manufactures, which rude as they are, might be improved so as to be of service in developing the resources of the colony. I allude to their smelting apparatus, &c. ?—I do not think that any of the modes of smelting or barbarian manufactures will be of much use in developing the resources of the colony. The Kafirs, from their knowledge of the effects produced by their rude apparatus will be more efficient in the management of refined processes, and so far their rude acquirements will be of use to them.

150. Do you think your plan, if carried out, would produce a revenue adequate to its support?—I am convinced from the results of past taxation, that the general government will have a large surplus at their disposal which in justice ought to be the case, for it is unjust as well as unreasonable that 10,000 white inhabitants should contribute between £40,000 and £50,000 for the support of the colony, while 75,000 or more, it is said, contribute but £9,000 or £10,000, and especially when it is broadly alleged by Earl Grey that the civilization and improvement of the inhabitants of this part of Africa are the main objects to which he looks for the maintenance of the colony, and that it is mainly for the benefit of the natives that this colony is to be maintained. It is upon these grounds that I think that while the Kafirs are fully able to pay a much higher tax than has hitherto been exacted from them, the Government will see the necessity and the justice of requiring such payments from them.



151. Would you still continue the practice of allowing chiefs to exact service of their people?—No. I would in this matter, as in every other, rigidly enforce every legitimate measure for breaking the authority of the chiefs, and I am persuaded that the exactions of service by the chiefs will tend to impress the people with the idea that the Government is supporting them in their often unreasonable demands.

152. How would you organize a police for the locations?—I would have an European officer, and the rest all of the natives. In the use of such police out of its own location I would always call out those most distant from the point requiring their service. The number should be fifty for each location, and in the towns and villages an adequate number of European police, according to the size of the town or village. These might act as leaders of any expedition that it might be requisite to send out. I would introduce energetic measures regardless of the feelings with which the Kafirs might view them. They never will consent to the adoption of any measures that impose restraint upon them. Feeble measures serve to irritate not to intimidate them, and are by all means to be avoided. To have recourse to them will impose upon the Government the ultimate necessity of purchasing a reconciliation both expensive and humiliating.

153. You would separate as much as possible, would you not, the different fractions of tribes, in order to secure peace and tranquility to the district?—I would. Generally the dividing and breaking up of a people likely to combine for mischief, or who are known to be averse to good government, is to place them at a distance from, or at least in distrust of each other. This has ever been found to be sound policy.

154. Do you not think it the duty of Government to put down any show of opposition to its authority with a strong hand?—I do. The health of the country depends upon the unity of the people, and the force and authority of Government is just in proportion to the indissolubleness and stability of that union. It rests with the authorities to guard supremacy with vigour and to suppress factions, which will otherwise afford an easy transition to sedition and revolt. No covenant among themselves must be allowed, nor any meetings without the usual permission. They must be taught to defend the lawful authority, or they are not united for the social life of civilization.

155. Is it not your opinion that in this respect we should treat Kafirs as we would children; judge what is best for them, and for society, and then enforce it?—In a great measure paternal management ought to be observed towards them.

156. Has such a conduct been hitherto maintained?—No. They have been a sort of Saturnalia, and have been allowed, if not taught to riot in other men's property.

157. Have you ever seen among the Kafirs any signs of any dis-

position which you could possibly construe into<sup>1</sup> gratitude?—No. There is no principle of the kind, though grateful expressions are ever in their mouth. These, however, are not for favours “received” but “thanks for the next;” like O’Connell’s Irish, they will cry “thank you” for nothing. They are under their present lawlessness much better off than they could be under any other arrangement, and have an excuse for their indolence and dishonesty which they use as a cloak for meditated spoliation. This is all at the expense of the white man.

158. In case of representative institutions being granted to the colony, would you allow an equality of representation to the Kafirs?—Certainly not, until they pay equal taxes, £2 to £3 per head; until they obey the same laws, live with one wife, and learn to cover their indecency. Until then, at all events, they cannot be equal to the whites in station, in privilege, or in authority.

159. How would you deal with crime, and treat insubordination among the Kafirs?—Crime should be repressed with a strong hand, especially cases of poisoning, and with a celerity that would strike terror into the hearts of the people. The law has to deal with a demoralized race, and it is not by contemptible and paltry expedients that crime among them can be repressed, or that they can be checked in their career of vice or awed into submission. To enact measures of expediency while all law is set at defiance would be farcical and ridiculous.

160. Do you think crime very rife among the Kafirs in Natal?—The Kafir, emboldened by the vacillation of Government and urged by their heathen propensities, have assumed such a menacing attitude as calls for the interference of determined authority.

161. Are you aware that for taking determined measures with the Kafirs, the colonists have been designated as oppressors, exterminators, &c. &c.?—I am aware of that. They are so designated by unreasonable and infatuated philanthropists, though the colonists largely remunerate the service of the Kafir, allow him the use of their lands, and purchase of him without a word the property they know he has pilfered from themselves. A foolish English paper once called me the patron of the exterminators, because I happened to say it was surely as great a crime for a Kafir to kill a white man, rip up a female in cold blood, and dash out the brains of the helpless infant, as it was for a white man to kill a Kafir in open and honest warfare in defence of his life and property.

162. Your plan appears to contemplate a very extensive interference with the laws, customs, &c., of the Kafirs, what are your grounds for this interference?—Their civilization and the true interest of the colony require it.

163. How would you secure the frontier parts of the colony against the attacks of the savage; and what is your opinion of feudal tenure for that purpose?—I should suggest that these parts of the country should be colonized by a dense population of agri-

culturists, that they might afford protection to each other. The land is an inadequate remuneration for the peril, and every encouragement ought to be afforded them. A feudal system might be introduced with advantage, were the Government to create titles of honor and invest them with lands.

164. Would it be a matter of surprise to you, if the same horrors were to be enacted here, which have desolated the borders of the old colony?—It would not, though I do not contemplate anything of the kind immediately. No man can wonder at the scenes of horror and deeds of death now transpiring in the mother colony. The same policy will lead to the same results here. The pen gives us but a faint idea of the cruelties of the case in the old colony. It is but a list of the “*faits accomplis*,” and cannot pourtray the unhappy state of those who “live in death,” who know their doom has been sealed.

J. ARCHBELL.

---

*James Michiel Howell.*—I am a native of South Africa. I have had from 18 to 20 years intercourse in various capacities with nearly all the native tribes of South Africa, and am personally acquainted with every chief of note. I am of opinion that the natives now in Natal are superior to any other tribes I know, much more intelligent, and easier governed. I have held military office, and officiated civilly over them, and was often surprised at the facility with which government orders could be executed among them. I came here to reside in 1844, and held office under the “Boer” government. From my reading and other sources of information, I believe that when the Boers first took possession of Natal the number of natives then settled in the country was about 11,000. I set down the number of Kafirs now in the Klip River division to be about 15,000. The Kafir population in Natal is estimated at 100,000. During my time under the Volksraad, Kafirs were continually coming into this country, but not to such an extent as under the British Government. The number of Dutch families here, I ascertained 12 months ago, to be about 240, and since then very few Boers have arrived or left. I think it would be somewhat difficult to ascertain with certainty who are and who are not really the aboriginal tribes, especially if it be remembered that the renowned Zulu king Chaka had his great kraal in this country in 1829, and lost his life there, and that a great number of our natives are refugees from the Zulu country immediately adjoining this colony. I have always understood that the Boers on their arrival found the following chieftains settled here:—

1. JON. I have been informed that he was allowed by the Boers to remain with his people upon the condition of paying 500 head of cattle for this privilege.

2. FODO.

3. UMSIDINANE.

4. ZKALI, whose father's grave, Matuan, is in this country. These, I believe, are all hereditary chiefs, they reside with their people in the upper division.

The Kafirs who were living on the sea coast under Messrs Ogle, King, Oane, and other white settlers when the Boers came, had also their native chiefs. I have never had anything to do with these people and do not know any other chief than Umnini, who lately occupied the Bluff country, but is now with his people located by the government on other lands. From matters of history we are informed that besides the names already mentioned by me there were in this country when the Boers came 14 other aboriginal chiefs.

The chiefs Nodada and Dabankulu, I understood, came here in 1841 or 1842; Langubelili (a hereditary chief,) Rada Rada, and Puthili arrived in my time; these five named are refugees from Panda's tyranny, and squatted in the Klip River country in 1849. I assisted under the Diplomatic Agent, Mr. Shepstone, to expel Langubelili, Rada Rada, Puthili and their people from that division, and thereafter I located them by order of the British Government on lands extending from Staedler's farm, near Bushman's River, to Zkali's location, near the Berlin Missionary Institution, on the first of December, 1849; I assembled Langubelili, Rada Rada, Puthili, and their councillors on an elevated site commanding a view of the country, in their presence I painted in oil colours on a large flat stone a map of their locations, pointed out to them the direction of the lines, and informed them that they would not again be removed, for which they expressed their thanks. It would indeed be a great breach of faith on the part of the British Government to remove those people without their willing consent, and an equivalent. Those tribes must have suffered great loss of cattle and corn in consequence of their removal from the Klip River division—I destroyed a large quantity of the latter on the occasion, and they must have lost a large number of cattle.

I agree with Mr. Struben that Langubelili's location is too small, and Zkali's too large; the last named, although a hereditary chief, has but a small number of followers.

There is an immense extent of open country, extending from the back limits of these locations to one of the boundaries of the colony, the Quathlamba and far beyond, but not at all adapted either for natives or cattle, being a sterile waste; no animal except wild pigs, and in summer eilands are to be found there. I have seen this country embedded in snow from 3 to 10 feet deep, and know from personal experience that the cold weather there is unsupportable, alike to man and beast. Except for the timber to be found on the mountains, I would not give a farthing an acre for that tract; I do not think that the Kafirs would give ten cows for the whole of it.

We never hear now of Bushman depredations. I attribute this to Langubelili, Rada Rada, Puthili, and Zkali occupying their present position.

The locations in the colony, save those of the last named chiefs,

number 1,254,480 acres. This appears to be a very large portion of Natal, but it must be borne in mind that there are 100,000 Kafirs, and that part of it is worthless alike to the white man or the black, being sterile in its character and rugged in its aspects, and also un-accessible.

With regard to the proposed removal of the natives from this country, fearing that a bad feeling now exists here between the white man and the black, and that it is growing stronger and stronger, being apprehensive of the results should it continue; knowing that there is no military organization among us, the present Lieutenant-Governor having done away with what there was,—that the small number of Boers are not in a position to assist this Government if they would, and that even if military organization did exist, and we could also depend upon the Boer force, that this colony could not muster more than 2,000 fighting men to bring against such enemies as the Zulus are when roused, I would not under these circumstances object to the natives leaving us, but where are they to go consistent with our future safety is the, and a very grave question. I agree with Mr. Struben that “removing the Kafirs beyond the Biggarsberg is the very worst measure that could be adopted,” and with all respect to the Recorder, I disapprove altogether of his plan for “settling them under a British Resident, in the country from the mouth of the Tagela to the mouth of the Umhlatazi, bounded by the Umgoe mountains;” because I am of opinion that in consequence of their then proximity to the Zulu king Panda, and those Boers from the Trans Vaal Republic, who I am given to understand have occupied, or will occupy the open country over the Buffalo (the boundary of our colony in that direction), they will either be brought into collision with one or other of those powers; or they might combine with Panda against us, either of which will involve this colony in a war, which in itself it cannot just now successfully maintain. I fear combination with Panda, because I do not think that the fear and distrust of our natives for Panda, and the enmity which existed between the Zulu king, the supporters of his power, and our people, still exists, certainly not to the extent it did. I attribute this change mainly to the mutual exchange of civilities allowed between Panda’s great Captains and councillors, and our native principal men on the occasion of Lieutenant Governor Pine attempting to levy a native force for the assistance of Her Majesty’s forces in the present Kafir war.

I am of opinion that the country over the Umcomas, through which I have travelled to the Umzimvubu, would be much more suitable to settle the natives in, if it is determined that they shall go (this colony will then be between them and Panda, &c.); but before they go, and to keep them there when away from our surveillance in order, Government will be compelled to make the following immediate outlay, viz.—

Compensation to the owners of Registered farms in the Umcomas country . . .	£14,000
First cost of establishing 200 mounted rural police for stables, horses, saddles, accoutrements, uniforms, and other equipments - . . . . .	6,664
	<hr/> £20,664

The further cost to Government would be annually at least—

For 1 British Resident . . . . .	£700
For 1st clerk . . . . .	150
For 2nd do. and interpreter . . . . .	100
4 Magistrates . . . . .	1,000
4 interpreters . . . . .	400
25 native officers of various grades, £26.	900
Pay, rations, forage for 200 officers, rank and file, mounted police . . . . .	7,200
I consider it our duty also to instruct our natives in civilization and christianity, which will cost for six industrial schools £300 . . . . .	1,800
Total . . . . .	<hr/> £12,220

The Government will also require a force constantly patrolling along the Tugela boundary to prevent a new influx of refugees and other emigrants from Panda and the Umswazi country, or we shall soon have another black population to perplex us. Nothing will prevent this but shooting down such as force their way in, and there will be no end of bloodshed without such machinery as the above. It is my humble opinion, under correction by wiser heads, that it would be the height of absurdity now even to think of removing the natives from the influence of the white man. I think it will also be found necessary after the removal of the natives to the Umcomas, to establish military posts at their back, between them and Faku and other tribes, to prevent collision with them, or combination against us, and to keep open a communication with the white population southward. After a consideration of the above circumstances and the expense, I would prefer the question of the removal of the natives now here and willing to remain, being set at rest for ever, by granting them title deeds of such lands as it may be deemed expedient by the government to give them, and placing them under such a form of firm and just government as would tend mutually to their benefit and ours. My plan for locating the natives and their future government, as also obtaining labor from them, was severally drawn up by me on March the 16th, and April the 20th last past, and which I now respectfully lay before the Commission.

Suggestions to the Kafir commissioners on the future management of the colored inhabitants of this country, and obtaining labor from them. Respectfully submitted by JAMES MICHIEL HOWELL, half pay, late Natal Native Police Corps.

The above subjects are of vital importance to the white and black inhabitants of this colony, and upon which greatly the peace and prosperity of the country depends. It is therefore necessary that I enter into them with great caution.

I admit that the best interests of this settlement, as well as the welfare of the colored people, demand their emancipation from the heathenish customs by which they are enthralled, the continuance of which is a disgrace to a Christian nation tolerating in its very midst the horrible practices of witchcraft, the tortures inflicted for its punishment, and other outrages against divine and human laws. To ameliorate this woeful condition of our black population, and to wipe away the reproach occasioned by its continuance hitherto, are objects we ought to promote when legitimate efforts are made for effecting them.

I am of opinion that rash and coercive measures will not attain this end.

It is much to be regretted that means were not originally taken for bringing under our laws, in detail, the refugees from Panda's country, on their first arrival here; they would then gladly have accepted any terms we might have thought proper to impose, and under wise regulations they might by this time have been accustomed to our rule, and their revolting usages, if not obsolete would have been rare. But this golden opportunity was lost, and the once abject refugees are now rich, numerous, and powerful.

Yet there is nothing to prevent us from gradually bringing them under the same system of laws as the European population; but to be successful, the process must be gradual.

Legal improvements to be successful must be progressive, and should not precede an improved capacity of the subjects for whom laws are made. Abuses and evils must be attacked, not in the mass but in detail; and occasions should be seized when to the Kafirs themselves oppressive results are manifestly apparent from their own laws, or when an ambiguous point requires to be cleared up. Thus by degrees a more just and suitable order of things will be introduced, while at the same time the Kafirs will learn to appreciate the change.

This mode of introducing civilized and christian laws among the Kafirs is sanctioned by that enlightened statesman Earl Grey, and the result of 18 or 20 years experience among the various colored tribes of South Africa, from the much vaunted Grikwa to the semi-brutalized, despised, and degraded Bushman, leads me to regard it as the *only one* likely to be successful, or practicable.

His Lordship throughout his admirable despatch to the late Go-

verner General Sir Harry Smith, (*Vide* Blue Book of 10th December, 1847), appears to agree entirely with that able officer and experienced colonist Major General Somerset, "that all interference with the usages of the native chiefs and people must be touched with a nice, and delicate hand, or left alone. For although it may be difficult for an enlightened and beneficent government to shut its eyes to such atrocities as are to be found among the Kafirs, or to abstain from attempting to correct, or mitigate them, yet since the days of miracles are passed away the endeavour to abstain will be strengthened and confirmed by bearing in mind that changes are not to be suddenly effected among any people." These opinions coming from such pure sources I put against those of the raw, inexperienced and theoretical visionaries who not seeing

"The gathering signs of a long night of woe,"

Have lately been disturbing the peace of this District by their crude, undigested plans of "Iron Rule," and who would fain goad on Her Majesty's Representative at Natal to decree,

"Without more process, the whole race enslaved,

Cut off the charter they from nature drew,

And make them slaves to men they never knew ;"

Not reflecting that such policy would probably cost us much blood, England a large amount of treasure, and after all these sacrifices leaves success more than ever problematical.

The material—happily for us—that we have to act upon is good, and while eschewing all maudlin sentimentalism, I agree with the Lieutenant Governor's publicly expressed opinion, that "we could without doubt, make the Kafirs good subjects."

Our Kafirs are far superior to their brother savages, who have become the scourge of the inhabitants of the Eastern Frontier of our sister colony, and the plague of the British public, the Gaikas, the Tambookies, and Amakaleka. Those tribes are by nature warlike, and the Cape Government has done much to foster this propensity, while our Kafirs appear to be inclined to peace. I am therefore sanguine that under the adoption of judicious measures, worked by wise men, beneficial results may be anticipated.

In order to bring about a consummation so generally and devoutly wished, I proceed to notice a plan which I think if properly carried out will be attended with complete success.

#### PLAN.

1st. The government should bestir itself at once in the present administration of the Native Laws, and Labor Questions by notifying to the Kafirs through the proper medium, that a change in the former is in contemplation.

2nd. When their minds are prepared for such a transition, a Commission should be appointed, which may consist of an equal proportion of officials, experienced English colonists, respectable Dutch Farmers and influential Native Chiefs, favorable to the go-



vernment, for the purpose of taking into consideration, reporting upon, and drawing up, a simple Code of Laws, suitable to the exigencies of the country, and as nearly similar as may be, to the present usages and customs among the natives without being repugnant to our christian ideas, sense of right, or British jurisprudence.

3rd.—These new laws should be explained throughout the length and breadth of the land, by men in whom the Kafirs have confidence and with whom they can freely converse on the subject; and any remonstrance properly made by any body of them must be listened to with patience, and duly reported to the Government, in order that should it be consistent with the object in view, or in anywise expedient, the laws be altered, amended, or otherwise modified; we should thus make the Kafirs a party to framing the new laws, and thereby we gain generally, at least, their tacit consent.

4th.—Arrived at this stage, and presuming the law to be properly defined and established, solemn proclamation ought to be made thereof in the presence of all the chiefs, who should be assembled for the purpose at such time and place as the local Government might appoint.

5th.—The next and most important point requiring particular attention is, that for the due and proper administration of the new laws, efficient men be appointed as magistrates, such as have a knowledge of the Kafirs, their manners, customs, and language; men of probity, ability, education, and patriotic feelings, such as the Commissioners for locating the Kafirs described as being fitted for such offices; "persons of highly moral standing, sound judgment, and decision of character,—those who from their education and conduct will command respect, independently of their office, and whose motives for action may never become a matter of question with the natives."

Having now conscientiously given expression to some of my views on the best method of changing the present Kafir laws, &c.. I shall next proceed to propose a plan by which Kafir labour may be easily obtained on just and equitable terms.

JAMES MICHIEL HOWELL.

December 16th, 1852.

#### KAFIR LABOR AND MANAGEMENT OF THE KAFIRS

Are what we all want, but how we are to obtain these desiderata is a question easier put than answered. Should we memorialize the Queen for an Ordinance to compel the natives to work for us, the only result, after some seven or twelve months, perhaps two years' delay, would probably be a reply that "the petition of memorialists cannot be complied with," and our being held up in Exeter Hall to the British public as a community of tyrants desirous of reducing a free people to the condition of slaves.

But cannot we help ourselves? is the next question, and our reply is in the affirmative. We must however do so cautiously, ever remembering

that we shall not only have to contend with the mistaken notions of misinformed philanthropists, but also that we have around us, in close proximity, powerful tribes of warlike barbarians ; living as we do in the midst of excitable savages, destitute of government or order, and over the greater part of whom we have no control. We have unhappily lost that great moral influence we once had over these tribes, who now have their ears and eyes open to all our proceedings, and who have no salutary fear or respect for the Government, as it is at present constituted. It would therefore be madness in us, with the small military force at our disposal, unnecessarily to irritate a powerful people, or to plunge a country hitherto "by the divine blessing alone" preserved in peace, into bloodshed.

All measures taken to obtain the desired end should be temperate, and the natives should be made to understand that we are not going to oppress them, but that on the contrary it is our object to improve their condition as well as our own. Justice to the natives of this colony and past experience alike warrant the expectation that then they will be convinced by sound reasoning ; and that if we act judiciously towards them we shall obtain their co-operation. Having therefore a material plastic to our purpose, how can we be justified in adopting coercive measures ?

Thus much premised, let us now see what feasible plan can be formed, by which Kafir labor can be obtained, on just and equitable terms.

I propose, for the consideration of the Government and the people, the following suggestions :—

1.—That the Government should select, within twelve miles of every town and village, a sufficient quantity of good land for a native location, proportionate to the number of natives it may be expedient to allow to reside in that locality. This land should be properly measured and divided into erven.

2.—Two respectable, educated, intelligent, moral, and married men should be appointed over each location ; one as chief and magistrate, the other as superintendent ; the former to be supported in enforcing all laws and executing all orders by a body of efficient police, three fourths of which should be white men, and the remainder black. The former should be armed, and some of them mounted.

3.—A code of laws for the management of the natives, and the punishment of all crimes committed by them against each other, and regulations for the due observance of order on the locations, as also a Master and Servant's Ordinance, suited to the exigencies of the colony, should be made and passed in the manner already suggested by me in my previously expressed views in changing the native law.

5.—A proclamation should then be issued through all the chiefs to their people, informing them that after a certain date all natives not being *bona fide* owners of lands, or not having contracted with owners of lands for residence, (the numbers allowed so to reside to be fixed by the Government,) or not being in actual service, shall either proceed to reside on a location, or leave the country ; and that all natives subsequently found squatting on private or Government ground, without permission, would be removed, and their cattle impounded in pounds to be established or pointed out for that purpose.

5.—Upon any native applying to the chief and magistrate, or in his absence to the superintendent, to be admitted to reside on any such location, they should be informed that they will be bound by the laws and

regulations enforced on the location, including the payment of all legally authorized taxes; that from the single men and females, residing on such location, one fourth of each sex must be prepared in their turn for such lawful service as may be required of them in the division attached to the location, by the chief and magistrate, or in his absence the superintendent. at a reasonable scale of remuneration to be fixed by the Government, and for a period of at least six months in the year; and further that they must not take in any natives as inmates, without leave first obtained from the proper authorities. On the applicants agreeing to these conditions and signing their marks in token of such acquiescence, the magistrate or superintendent should locate the applicant on such spot of land as may be agreed on between the parties, or ordered by those officers.

6.—The full number of natives allowed to reside on a location being completed, the chief and magistrate should (if possible with the concurrence of the residents upon his location) recommend to Government a proper native to be appointed as head man of the location, who (unless there were some sufficient reason to the contrary) should be a chief, and who should be bound to obey all orders from the Government, issued through the magistrate, and be supported in all legal acts by that functionary's authority.

7.—Any person residing within the division attached to such location, and requiring a native servant, male or female, should repair to the location and make application for that purpose; whereupon the chief magistrate, or in his absence the superintendent, should direct the head man, or in his absence any native acting for him, and under his authority, to accompany the applicant or applicants through the location, and obtain VOLUNTARILY such servants as may be required, and in case of a general refusal without sufficient grounds (determinable by the magistrate) to enter into such service, a list of the single males and females on the location eligible for service should be kept for the purpose of reference, and according to rotation the magistrate or superintendent should order such native or natives as may be required and liable to serve to enter into the service of the applicant. In case of continued refusal, the chief and magistrate or superintendent should award the proper and legal punishment or fine, and proceed in a similar manner with the natives next on the list. Those who have refused should, on the next application for servants, be liable to enter service; and in the event of their again refusing, be a second time fined or punished as the case may require, and be further expelled from the location and not allowed to reside upon any other.

8.—All agreements or contracts for service, made on any location between master and servant, should be made in writing before the chief and magistrate, or in his absence before the superintendent, signed by the contracting parties, and witnessed by the head man, or his substitute. In them should be set forth the time and nature of the service required to be performed, the remuneration to be given, and all other conditions agreed on between the parties, each of whom should be furnished on payment of a fee, with a copy. All such natives entering into service should during the period of service, be totally exempted from payment of taxes.

9.—The chief and magistrate, or in his absence the superintendent, should have full power and authority to apprentice any male or female child to any person residing within the division of the location, to learn any profession,

trade, or calling; provided the full consent of the child and parents, or legal guardians, be first obtained.

10.—The chief and magistrate, besides hearing and determining all cases in his location and within his jurisdiction, and all cases of master and servants brought before him at his residence, should, whenever necessary, make a tour through the division in which his location is fixed, and at every settlement or farm inquire into and adjudicate all complaints between master and servants, or other matters between the white and black residents, or the natives residing in the neighbourhood or on the farm of any white man within his jurisdiction. A record book should be kept by him, in which to enter all cases brought before him and the proceedings thereupon; such book to be forwarded to the proper superior authorities at least once a quarter for their inspection; any person dissatisfied with a decision being allowed to bring it under review, or to appeal therefrom. In the event of any case being brought before a magistrate which may be beyond his jurisdiction, it should be heard and determined in the manner hereinafter suggested.

11.—Every three months, three of the location magistrates residing nearest each other should meet at such place as may be most convenient for the purpose, to be appointed by the Government and duly notified, and constitute a Board of Quarter Sessions, to which should be added a Clerk of the Peace for the prosecution of all criminal cases, and a Clerk of the court. The superintendents of the three locations should severally act as the advocates or counsel for the defence of all natives of their own locations brought before the Board. The Board should thus proceed to adjudicate in accordance with law and equity all cases within their jurisdiction. Should any point of law or evidence or other question arise respecting which the three magistrates or a majority of them may not feel satisfied, or require an opinion, proceedings should be stayed for the purpose of reference to the proper judicial authority.

12.—There should also be a chief magistrate in constant communication with the location magistrates and native head men; occasionally visiting the locations and reporting to the Government such circumstances with regard to the management of the locations or natives as may seem to require alteration and amendment.

Such is the plan I have ventured to lay before the Commission. It admits of discussion and improvement; but it has been formed without reference to party and without party feeling. Whether it be adopted or not, I shall have the satisfaction of feeling that I have been actuated solely by conscientious motives, and a desire to prevent any possible disasters arising from the plans of inexperienced and unthinking persons.

Let those who think they can bring forward a better plan do so. In this respect Natal "expects every man to do his duty."

JAMES MICHIEL HOWELL,

While we are on the subject of removing the natives, I regret much to have heard proposals made for ejecting the native *vis à vis* *armis*, because I quite agree with Mr. Shepstone, and other gentlemen who understand our Kafirs, that if it is determined that they must leave, we need not have recourse to such a harsh measure; but the measures, and persons employed must be judicious. I am

also surprised and grieved at some of the opinions expressed and views entertained with regard to the expulsion of the natives, the manner of doing so, and compulsory labor, and am afraid such evidence will place us in a wrong light before the British Government and the public. I attribute part of this evidence to have been caused by the clamour without of designing, and not very humane partizans. I have been informed that there is excitement among the natives in consequence of the various reports in circulation, and that they are much alarmed and irritated ; I am quite sure that they must distrust us, our conduct towards them appears to me to be a system of irritation and very ridiculous. We are always projecting great plans and never carry them out. I think we ought always to keep in view whether we have any right to remove the natives as long as they remain at peace, obey our orders, and pay between £8,000 and £9,000 annual taxes.

When I arrived here in 1844 I found the natives submissive, I may say, in an abject condition,—such a state as a people really conquered in the strict sense of the word would be. From my opportunities of judging, I must say that in my time the Volksraad's government was prompt, firm, and just, towards the natives. I do not know of any instance of cruelty or oppression under that rule, in my time. The natives are now much altered in their behaviour to the white man, and for the worse. I ascribe this change jointly to the following causes :—

1. A relaxation of the rule under which the natives were managed by the Volksraad.
2. The terror occasioned by their conquest having died away.
3. Their having become rich, and consequently independent, under the protection of the white man.
4. A present want of an efficient and systematic form of government for the natives ; the magistrates now over them, appearing to me to be carrying out each for himself, some peculiar crotchet of his own brain.
4. Undue familiarity exhibited towards the natives by some of the lower class of male and female immigrants. A Dutch Boer never puts himself on an equal footing with a Kafir, hence the latter have a very great respect for the former ; at one time the natives of this country looked up to the white man as a very superior being. They do not do so now, improper familiarity has generated contempt.
6. Injudicious appointments of some improper persons as native magistrates, totally unacquainted with the customs, language, and character of the Kafirs, and the bad example set by such persons to the natives.
7. The attempt to levy a native force to operate against the rebel Kafirs and Hottentots. This brought our chiefs into contact with each other, showed them and their people our weakness, opened their eyes to their own power, and excited insubordina-

tion. I believe that evidence may be had to establish that on the above occasion, if the project had been persisted in, it would have been followed by disastrous results.

In forming an opinion of our natives it will be but just and politic to bear in mind this difference between the Kafir of British Kaffraria and them. The former have cost the British public millions, the latter are paying into the treasury from £8,000 to £9,000 per annum. The former openly hate the white man, the latter cannot but appreciate the benefit of our protection—(I cannot testify as to the feeling of gratitude being general among our natives for the privileges they enjoy among us, but I consider it would be blasphemy to assert that God would create 100,000 human beings entirely devoid of this virtuous impulse.)—The Eastern frontier Kafirs are a nation of cattle stealers, very few of our natives are guilty of cattle theft. Murder of the white man by the black in Kaffraria is not of uncommon occurrence: no white man has been murdered during my residence in this country. Assaults of white man upon the black are rare in Kaffraria; till within the last two years no such violence, to my knowledge, has been done here by the black to the white, since then we read of two magistrates and six women having been assaulted. Three years' ago a proposal to a native to commit such a crime would have caused him to run away from the proposer, even if he offered payment. In their military organization there is also this difference, our natives are formed into regiments under officers of various grades, each has its distinguishing badge, fight in bodies, and charge with the stabbing assegai openly and bravely. The Kafirs of British Kaffraria mostly fight in the guerilla fashion, and act independently of each other,—they do occasionally attack in bodies. Our Kafirs are much better organized and disciplined than those of Kaffraria; the former make splendid soldiers and are admirably adapted for the Indian service. I am of opinion that a regiment ought to be raised by enlistment, and exchanged for either Sepoys or Ceylon Riflemen; our natives would not intermix with the Hindoos or Malays, and such persons would keep themselves separate from ours. The fidelity of such soldiers could therefore be depended upon. I respectfully suggest that the Government consider this proposal.

I am of opinion that any attempt suddenly to do away with the power of our chiefs would be a most dangerous experiment, and with all due deference to Mr. Cloete, I do not agree with him that Sandilli's case is opposite, I consider it to be parallel. Deposing our chiefs might not cause the same present results as in Sandilli's case, especially as I do think our natives appreciate the benefit of our protection, and remaining at peace with us; but there would always be at least this danger, placing the natives in the position of choosing between our protection and peace, and the doing away of an institution established among them from time immemorial. It must also be borne in mind that the chiefs will not like to be deprived of

their power, that they have great influence, and that our natives are an excitable people when disturbed; experience has taught me, and will also yet teach Natal and make the British Government pay for the lessor, that it is much more easy to pull down a system than to build one up.

I prefer not giving evidence as to the present real power of the chiefs over their people; they do not appear to me now to be properly defined, but guided more or less by circumstances and influences.

I do not consider that the natives giving 10 cows more or less for a wife to constitute slavery in the sense of that word. I have always understood and believe that the cattle given is a kind of deposit pledge for the mutual good behaviour of man and wife. As regards what has been stated as to compulsion being used by the natives to force their women to take husbands against their inclinations, similar practices I believe, exist in civilized communities. I have no doubt but that a proportion of Kafir marriages originate in mutual liking. I will allow our natives to be savages, but not a herd of beasts. I am aware that Kafir women are thrashed sometimes, nay more, occasionally knocked down with keeries, but I know also of my own knowledge that a proportion of Kafir women do "wear the breeches."

I am of opinion that the first great, and perfectly justifiable step to be taken as one of the commencements to do away with their heathenish habits, is to order them to be clothed, whole tribes in the Sovereignty, adjacent to us, are clothed. The Municipal Commissioners of Pietermaritzburg have it in their power to prevent any person in a state of nudity from coming into this town, the same being contrary to Municipal Law, and repugnant to morality. Why do not the Municipal Commissioners make a beginning? Such an arrangement would add to the revenue.

I am of opinion that Taxation among the natives ought to be increased, they as I have already stated enjoy great privileges under our protection, and it will not be unjust to make them pay value. I would appropriate half the amount to their exclusive benefit, the remaining to improving our Roads. I would also modify the present system of Taxation as follows:— I would make it a capitation tax, I would increase the taxation among natives near large towns for they can more readily make money, than those living at a distance from towns. I think it also very unjust and impolitic to tax a native while in service, non-taxation of such persons I think would be an inducement to the natives to go out to service. Taxation might be so ordered as to do away indirectly and gradually with polygamy, for instance, I would not tax one wife, but 7 shillings the second, 10s. 6d. the third, and so on in proportion.

A question having been asked as to the number of fire arms now in the possession of natives, I do not think that our natives have so many guns as is supposed. The Kafirs on the Tugella and sea coast from the Umco-mass to the Umzimkulu are alone expert in the use of guns, they being in the vicinity of game. It would be highly desirable for the Government to take the trade of arms and ammunition into their own hands. I would

make the punishment for selling such to the natives, transportation for the first offence 7 years, for the second for life, for the third death. The laws of self preservation justifies such severity. The government ought to take away the guns from our natives but compensate them, our Kafirs merely armed with assegais although formidable, would be more easily beaten than armed with guns. English Infantry are of very little use in the field against such natives as ours, Cavalry is the force we ought to have, our natives have yet a great dread of swords.

Compulsory Labor is repugnant to my ideas of liberty and sense of right and justice, the plan for obtaining Kafir Labor goes some what against the grain. I gave it because there was a great clamour for Labor at the time, and it was the only plan I considered then feasible.

The cry of "Want of Labor." I am of opinion is more a chimera of disordered fancies than a real grievance, we cannot yet expect from the natives the same amount of work that a European farm servant could perform, that will only come in time, but those who know how to manage the Kafirs always have plenty of servants, aye, and good ones too, I know this from my own knowledge. At our last Agricultural Fair, the prize for the best male labouring servant, who has been the longest in his masters service, was awarded to two natives, from among several black and white competitors.

I have no doubt that many of the complaints now being made against the natives arises solely from there not comprehending what is being required from them.

Mr. Abraham Spies, a member of the Commission having asked Mr. Shepstone on his first examination, Question No. 118. Do you now think or do you not think that the Farmers are as anxious to see the Kafirs brought to christianity as others," to which Mr. Shepstone replied "I have no doubt they are." I beg leave to add that I have travelled through the length and breadth of civilized Africa and have had opportunities of knowing that among the respectable class of religious Boers a desire exists to civilize and christianize the heathen. I have often been present at the performance of divine service at Boers Houses and have invariably seen their colored dependants join with them in worship. The notions of the Boer as to the right method of reclaiming the heathen are peculiar, they do not agree with some missionaries as to their mode of evangelizing Kafirs, I have heard the Boers approve of the Moravian system, because say they, "it teaches the natives to work as well as pray." I think the Bishops plan of Industrial schools, as I understand it, if properly carried out, will in time be appreciated by them, good results will however, only incline them to that opinion, my experience prompts me to say that Missionary labors have generally not been eminently successful in South Africa, the cause I leave to those who choose to enter into the subject, there are however bright exceptions in my knowledge.

The introduction of Convicts into this country being now the all absorbing theme, I trust the Commission will not take it amiss in me to state that in my opinion such a measure will be a curse—to which there will be no end—to Africa, God preserve us from its infliction.

I find on looking over my evidence that I have omitted to make mention of Pagadi, he is a hereditary chief, and arrived here about the time when Panda was established as King of the Zulahs. I am constantly hearing



complaints against him, all that I know of him is that in 1849 he furnished 3 or 400 chosen warriors for the assistance of the Government.

JAMES HOWELL.

Pietermaritzburg, 18th December, 1852.

Evidence of *D. C. Toohey, Esq.*, forwarded in reply to letter of Secretary.

I arrived at Natal in the "Circe" cutter, in the very early part of the year 1835, having agreed with then Captain Alexander to accompany him through central Africa. On my arrival I found John Cane, Henry Ogle, Mr. James Collis, and Charles Pickman established here as chiefs over the natives. They had just returned from the Amapondas, to whose protection they had fled shortly before, fearing an attack from Dingaan. Accompanying Mr. Robert Biggar and John Cane much about the country, I was at most of the native kraals. At that time John Cane had five kraals in the bush under the Berea, and about seven up the Ilôvo. Uminne then acknowledging to Henry Ogle, had in all about thirteen kraals upon the Bluff. Henry Ogle had five kraals at the mouth of the Umlaas, and some three or four at his own residence at the head of the Bay.

Mr. Collis had some three or four kraals,—he himself told me some nineteen or twenty adult males. C. Pickman had some thirty adult males acknowledging his supremacy, they being Jacob's tribe, whose head wife he had married. The other white men had under them—

Robert Biggar, about twenty hunters.

John Stubbs ditto ditto.

Charles Blanckenberg about twelve hunters.

Thomas Carden six ditto.

Richard Russel ditto. ditto.

At that time Mr. Collis and John Cane both told me that it would be difficult to muster in Natal more than 300 adult males; at the same time they assured me, and I afterwards became aware of the fact, that the main body had fled with the whites to the Amaponda, and had not then returned. In about one year's time from my landing, we received the main body of the emigrants back from the Amapondas, and their numbers, I should say, had increased to some thousand adult males.

In the year 1838 the English at Natal resolved to proceed against the Zulu kraals situated where Pagati and others now live, belonging to Dingaan, for cattle, under pretence of assisting the emigrant farmers who had recently been massacred by Dingaan; they then mustered two thousand one hundred natives, having shields and assegais, as also three hundred guns, and divided nearly as follows, viz. :—

600 Fodo's people under Cane,

450 F. Fynn's under Donzelea, &c.

- 450 J. Cane's,
- 350 H. Ogle's, under Uminne,
- 60 C. Pickman's, Jacob's tribe,
- 60 C. Blanckenborg's people, under Zwartkop's tribe, &c.,
- 50 Biggar's people and part Collis's,
- 40 J. Stubbs's, and remainder Collis's,
- 30 T. Carden's people, ditto.
- 10 R. Russell's people. ditto.

Two thousand one hundred, as counted by Captain Gardiner and myself, being the muster of all males capable of proceeding to plunder. They succeeded in carrying off some 6,000 head of cattle ; soon after their return in March, 1838, Mr. R. Biggar returned from Graham's Town, and proposed an attack upon Dingaan's kraal "Umkingin Kloova," in anticipation of the emigrant farmers holding out to the people of Natal hopes of being there first to plunder the ivory, &c., but I must do him the justice to say, that his endeavours to take out the commando arose from his desire to revenge his brother George Biggar's death, who was killed at the massacre of the Boers at Weenen. At the muster of the second commando under Mr. R. Biggar, the warriors of Natal mustered only about 750 ; Fodo's people and many of Fynn's did not shew themselves, neither did the Zwartkop's or Houdbosch Raand appear. The commando was cut up by an army under Panda, who was in ambush waiting for them on the east bank of the Tugela River, and who was well informed of their movements and strength, as Panda has since informed me. Only about 200 escaped, principally men belonging to H. Ogle. The emigrant farmers were at this time within the District, and shortly after came down and took possession of Natal.

You have here an approximation to the original population of Natal ; men, women, and children, would not, at the period of the farmer's arrival here, exceed 10,000. At that period I had occasion to report the goods I had shipped per *Comet*, to Messrs. Maynard Brothers, I therefore proceeded overland for that purpose accompanied by two white men who had escaped the slaughter at the Tugela, and Jogo, a Native now in Natal, as guide. I found only one kraal on the Ilovo (Ogle's) then inhabited, the others destroyed ; on the Umzinto all destroyed ; and I did not find either Kraals or Inhabitants until I reached the Amaponda. The only people I met upon the route was at the Umtender River ; finding myself surrounded at night by some spies of Faku's, who were in the act of stabbing us, when my voice was recognized by a servant of mine named Shuke, who had fled with the news of the attack by the Zulus on Natal, to the Amapondas, and who was returning with the spies to find the whereabouts of the Zulus, and mistook us in the dusk of the evening for Zulu spies in advance of the army.

Soon after the Boers had taken possession of Natal, Capt. Jervis arrived to assume the sovereignty on behalf of the Crown of England.

Some three months after, Dingaan having been invited to sue for peace with the farmers, sent messengers to Natal to Capt. Jervis for that purpose, and he arranged a meeting for them with the leaders of the farmers, when a peace was agreed, upon certain conditions, which were fulfilled by Dingaan, but the Boers, as might have been expected, broke the truce when convenient. Some four months after the arrival of Dingaan's messengers, Panda, and at least one half of the Zulu nation, with all the Umtetwas, revolted from Dingaan and fled to Natal, to the assistance and protection of the farmers, when Zulu, an Indoona, having under him some 2000 warriors, the "Thloomanthleen" regiment revolted from Panda, and with some 3 to 4000 more of Panda's people remained behind. When Panda was proclaimed chief of the Zulus, and placed in possession of the Zulu territory by Andreas Pretorius and council; shortly after the arrival of Captain Smith in 1842, Mawe, aunt of Panda, fled with some three thousand people for protection to Natal, Panda having killed her son Guka, under the pretence of his having conspired against him. The increase of the natives by immigration since the arrival of the Boers was rapid, but not to be compared to the flocking to Natal of the members of the small tribes from amongst the Zulus, since they found they could be ensured protection here, and have such opportunities of stealing out their cattle through means of accomplices at Natal, and securing them in despite of all native magistrates. During a long course of residence upon the Tugela River, I have been aware of the immigration having been full thirty per day, on the average of the year round, of the Zulu tribes, mostly fetched out by the prior immigrant natives; this I have communicated to Government on various occasions. The running away from the Zulu country is not now nearly so extensive, the well-spring being almost exhausted; very few of the Tetwas are refugees here even now, and still fewer of the Zulus. The great body of the immigrants are composed of members of small tribes, who were considered generally too mean and cowardly to make anything of but camp followers, not soldiers; they generally will be found to have all the vice of the soldier without his bravery, discipline, or honor, and they have fled to be able, as they themselves admit, to be their own masters, and to milk the "white cows" which the spirits of their forefathers have sent them from out of the great sea!! Many of the natives at present desire to emigrate west of the Umzimkulu to avoid paying taxes, also that they may enjoy uninterrupted by white men's laws, the blessings of polygamy, witchcraft, &c., as handed down by a most revered antiquity; but the majority of the natives will prefer settling down under British rule, and I should propose for the purpose of effectually and definitely settling them—

That in the first place no squatting shall be allowed under any pretence whatever.

That all natives desiring and being really willing to settle under

and within the British rule, shall have land measured to them, and shall be allowed to purchase the same upon quit-rent, in, or as near as possible, to where they are at present located, having time given them to pay for the said purchase by instalments, and when they shall have paid for the same; to be allowed to dispose of the same by *bona fide* sale, with sanction from the Secretary to Government; and those not desiring to purchase shall have lands measured to them upon rental, the rent to be fixed and the occupants assured of possession as long as the rent shall continue to be paid up, and the occupier behaving himself as a good subject and respecter of the laws. All lands so occupied by natives must be enclosed.

I would have the country in districts as appointed by Ordinance for legislation for the white inhabitants; and over each district appoint a Resident Magistrate for all; he should act as collector and district treasurer, and should act as Magistrate in his district over the natives.

And to ensure their good government I would divide the said district into villages, each village to consist of a determined number of kraals or farmsteads, and each village to have appointed by Government its head man, its constable, its messenger, and councillors to be denominated elders, who are to be answerable for all that transpires within the precincts of the village, and for all crimes committed by their people. Every 10 or 12 villages, as may be judged convenient, should have appointed over them an assistant collector, to act under and be authority from the Resident District Magistrate, and whose duty should be comprised within his collection of villages as he may be instructed by the native Secretary.

All disputes occurring between two native inhabitants of one village to be settled by the elders of the village, with appeal to the collector, who will on such appeal call elders from two other unconnected villages to decide the case, himself acting as Moderator. Disputes occurring between inhabitants of different districts to be settled by the magistrates of those districts, jointly appointing elders from villages unconnected with the disputants, to settle the same, themselves acting as Moderators.

In all villages the inhabitants of the same shall be bound to make, and keep in repair, good accessible roads, and at their own expense.

In every collection of villages it shall be the duty of the inhabitants to assist, according to their ability, and free of all expense to Government, the assistant collector to erect a residency, chapel, school-house, and justice-hall for meeting with the natives, as also a house of detention and cattle pound.

In all villages a shopkeeper or shopkeepers shall be encouraged for the purpose of supplying the natives with their requirements,

and to purchase their produce. Where no shopkeeper offers, the collector shall be instructed to appoint some one for that purpose.

All natives will, nevertheless, be allowed to emigrate beyond the boundary if they should prefer it, or be allowed and encouraged to settle as cottagers upon the farm of the white occupiers—they, the natives, making their own agreements with the white man, and having the same, to make it binding, confirmed before the Resident Magistrate, the said natives to be liable only to a poll tax of 5s. per head for all adults over 14 years of age.

Should a considerable number of natives decide to emigrate over the Umzimkulu, it would then be advisable to appoint over them a High Commissioner, whose jurisdiction could be made to extend to St. John's River, and who would, with assistants, regulate and watch over the native tribes under him.

In no case would I continue the power in the hands of the native chiefs, but I would make them pensioners of government, as councillors, to assist with advice the Secretary for the Natives to Government; and I would insist upon them generally living in the neighbourhood of the seat of Government.

The elders I would appoint from the cleverest of the common people. They would depend for their lives or safety, and the safety of their families, upon the fidelity of the government, and its protection of them.

I would modify native customs or law by equity, and judge their cases, when on appeal, by such rule.

Instructions should be given to all magistrates connected with natives to discourage polygamy in every way; every girl to understand she cannot be sold for marriage without her assent thereto; and every youth that by persuasion and consent of a girl to become his legal wife, he shall obtain her without purchase.

A fine of half the number of cattle, paid to the second wife, would greatly tend to do away with polygamy.

The difficulty of obtaining native labour arises from the facility of obtaining a livelihood enjoyed by all classes of the natives independent of the whites,—the mothers of the young men naturally being willing to support them in accustomed idleness—the very debasing and immoral customs prevalent in the native villages having by far too great an attraction for the vicious and idle, the majority of the young people, to allow them to seek service.

I have now to remark upon the evidence of Mr. Davis, who has stated that men of education were here before the establishment of missions, and had not developed any organs of civilization amongst the natives. I beg to refer him generally to all the old natives, who are to this day the best workers on beach or farm in Natal,

and particularly to "English Jack" so called, my old servant, who before my mission had sprung up had erected for himself a square-rigged house, and surrounded himself with comforts approximating to the whites,—also contenting himself with only one wife, and bearing the character of one of the best and most trustworthy of the natives.

D. C. TOOHEY.

Evidence of *Benjamin Blaine, Esq.* December 22, 1852.

My name is Benjamin Blaine, I am Assistant Magistrate in the Quathlamba District. I left Graham's Town in June 1843, travelled through Kafirland, and arrived in this colony in November of the same year.

*The Location System.*—I think the location system, as originally projected by the Native Commission, was well adapted as a preliminary measure to the great objects proposed, viz., the civilization and christianization of the native inhabitants, with the exception of two of the details of management.

*1st objection to the Location System*—The first of these objections, which could hardly have been avoided in the relations which then existed between black and white, is the placing the natives in the natural fastnesses of the country; where all experience has taught us they are sure to prove a source of mischief hereafter.

*2nd Objection to the Location System.*—The second is the locating the natives in the immediate vicinity of the towns; where their constant intercourse with the whites has a natural and inevitable tendency to bring about a contempt for the power and institutions of civilization, which; in their present condition of barbarism, they can neither appreciate nor understand. And further, their close contiguity to towns places them in the most favorable and tempting circumstances for the increase and continuance of polygamy; as it is a fact that polygamy is more rife under similar circumstances in the locations near town than at a distance. The produce of the labor of the wife is carried to town by the wife, and the proceeds are invested in cattle for the purchase of other wives, as this is found to be the most productive investment of capital.

*Present inapplicability of the Location System as originally proposed.*—I quite agree with the Diplomatic Agent that a great change for the worse has taken place in the native population—the natural and unavoidable result of barbarism in contact and intermingled with civilization—and that this change is rapidly tending to a dangerous development, and urgently requires an immediate remedy; and in that altered relation the plan originally proposed is no longer applicable, unless it be considerably modified. I think the present relations of white and black involve consequences destructive alike to both; because the controlling influences we are enabled to exert are a very inadequate substitute for the absolute despotism of their own government, and insufficient to prevent the natural tendency

of barbarians, in contact with civilization and without efficient controul, lapsing into licentiousness and confusion, and ultimately into rebellion.

*Remedies proposed.*—It is evident that our own safety, as well as the welfare of the natives themselves, and the interests of civilization and Christianity demand that something like a more equal balance of the powers of civilization and barbarism should be established as soon as possible.

1. *Emigration*—2. *Removal of part of the natives*—This object is to be effected either by a great emigration from the mother country—which should be encouraged by holding out the most liberal inducements, both by the home and local governments as well as by the colonists themselves—or by a removal of part of the impending incubus of barbarism from within our more immediate borders, or by both means.

*First remedy recommended, the removal of part of the natives out of the District.*—As there is no prospect that the first of these remedies can be brought to bear soon enough to meet the pressing emergency of our condition, I would recommend that the natives, as many as are unwilling to submit to such conditions as the government may propose, be removed altogether out of the district.

*Where.*—I would remove them on the other side of the Ibis, or right branch of the Umzimkulu.

*How.*—I think it probable (but my opinion is derived from those who have the best opportunity of ascertaining the views of the natives on these subjects), that one half of them would voluntarily avail themselves of an opportunity to leave this district and settle beyond the Umzimkulu, provided they could be convinced it was of a *bona fide* character, and that they were led by one whom they have always been accustomed to look up to and regard as their paramount chief. I refer to the diplomatic Agent.

Considering the insufficiency of our means of enforcing any measure likely to rouse a combined resistance on the part of the natives, I think it would not be wise to attempt such a measure at present, but to feel our way, and ascertain their disposition on this subject.

If there appeared to exist a general willingness on the part of the chiefs and people to remove beyond the Umzimkulu, I would register the names of those tribes it is most desirable to be rid of, and commence their removal as soon as possible.

But in the event of the natives generally refusing to remove, I would wait the settlement of affairs on the frontier, and request a sufficient force to compel those tribes considered most dangerous to the welfare of the colony.

*Relations of the native dependency to this colony.*—Unless the government were prepared to institute a thoroughly organized and efficient system of government of the native dependency on the other side of the Ibis or Umzimkulu, I do not think it would

be politic to enter into any such relations as would necessitate its assistance in the event of a collision with the surrounding tribes, or to interfere with its internal management, further than by the appointment of a resident agent, the institution of a pass system, and the prohibition of fire-arms.

*Protective measures against the native dependency.*—As protective measures against the native dependency I would establish a pass system, and to give practical effect to this I would offer a substantial reward to any one in this district giving such information as would lead to the capture and conviction of any native from the dependency without a pass. I would establish three magistracies on the left bank of the Ibis with an efficient police. I would extend a chain of Kafir Kraals, connecting these three magistracies, from the Quathlamba to the sea—a distance of about 100 miles. This arrangement has been found very efficient along the base of the Quathlamba in preventing the incursions of the Bushmen.

*Objection to the entire removal of the natives from the colony.*—I think there are great objections to the entire removal of the Kafirs. We should have them on our immediate border without any efficient controul, placing them exactly in the same relation with us as the frontier Kafirs with the colonists of the old colony. And, moreover, as the Kafirs have to some extent taken their place in our social system, and have created a necessity for their services as servants, this colony would for a time be ruinously affected by their entire removal.

*Effect of proclaiming the natives British subjects.*—It appears to me that the proclaiming the natives British subjects will tend to complicate our relations, and perplex our policy towards them, because it is an attempt to compass an impossibility.

The Kafir has not yet attained a stage of development which capacitates him to accept the liberties, privileges, and immunities of a British subject. They are altogether above and beyond him, and, indeed, are violated every day, of necessity, in the administration of Kafir law throughout the colony.

The barbarian cannot jump at once into civilization; for though the problem of civilization be worked out for him, it will, in my opinion, be a work for more generations than one to appropriate it.

In my opinion the state should assume a parental relation to its native dependants; and in virtue of its superior power, knowledge, and wisdom, pursue its mission of civilization and christianization by legitimate and reasonable agencies, unfettered by misconceptions of personal liberty and right, which have no existence in a barbaric mass, if opposed to its present and ultimate good, when under the auspices of a civilized and enlightened government.

We must, in my opinion, attempt the civilization of the Kafirs by a gradual development of institutions existing among them, and by a careful addition of others, in harmony with such institutions



not too much in advance of their condition, and not by sudden changes inapplicable to their state.

*Management of the Native population living in the Colony.*—I would after having removed a large proportion of the natives beyond the Umzimkulu, carry out the location system with all that remained. Some of the best lands in the colony, situated at some distance from the principal towns, should be selected; open, well wooded and well watered, and of such an extent, as gradually to oblige the natives to substitute an agricultural, for a pastoral mode of life. I would make every magistracy a defensible position, so as to afford a place of rendezvous for the whites in case of an outbreak among the Kafirs. I would establish industrial schools at each Magistracy, and all natives, within convenient distance, should be compelled to send their children to school; at such institutions intelligent natives might be trained for schoolmasters, and settled throughout the district. I would, adopt one uniform system of teaching as far as practicable, giving, however, to all denominations of Christian missionaries equal privileges. The missionary should reside at the magistracy, and have the countenance and encouragement of the government. This would give him an influence over the Kafir mind, which he has as yet never possessed. I would register every native above the age of puberty, and oblige him to wear a metallic token inscribed with his number and location. This would enable the Government authorities to identify every native dependent and to detect all interlopers from contiguous countries. I would apprentice all male and female natives between the ages of thirteen and seventeen, for a term varying according to age from 3 to 5 years, whose services were not required for family subsistence; on condition that during the period of their apprenticeship the master clothed and fed them well, and taught them to read; the woman being trained to ordinary domestic service, the men to field labor or some trade, and that at the end of their term of apprenticeship, they should be remunerated for their services, at a certain rate to be fixed by the Government, so that they might then return and settle in the locations if so disposed.

The apprenticeship measure would train the young Kafirs to habits of industry, create a necessity for civilized clothing put man and woman in their proper and natural relative position, and so tend to abolish polygamy and female slavery; afford the best prospect for productive labor to the colony, and give us hostages for the peaceful conduct of the natives generally.

The great object of these measures would be, to afford the best means for the civilization of the natives and the peace of the colony.

It is evident that compulsion would be required in the adoption of these plans, and I think that it must be used, because I see no civilization without labour and exertion, and I see in the Kafir an

utter aversion to steady continuous labor; he wants the momentum of civilization, which ordinary influences do not supply him with.

I do not think the Kafir will ever voluntarily take the initiative in civilization; on the frontier of the old colony, he has not, with the example of the white man before him for half a century, and the labors of numerous devoted missionaries, made a single step in legitimate civilization; nor does there seem in this colony, under the present relations of white and black, any better prospect.

*Applicability of one law to white and black.*—I do not believe in the adaptation of civilized law to barbarians; because the laws, usages, and customs existing among a people, are, as a general rule, a true index of their position on the scale of civilization; and the attempt to introduce any great, or sudden elevation of these, is to offer that which meets with no capacity to appropriate, and to create confusion.

It appears to me, that a mere question of time, that the Kafirs existing in the 19th century, does not supply us with a rule of action or line of policy, but their position on the scale of civilization; which is almost as low as humanity has fallen to since the creation of man.

*The status of the barbarian.*—The barbarian is as barbaric now as in the mediæval ages, or the days before the flood, and requires the same treatment.

The Kafirs are, as a nation, without belief in a supreme being, without religion, but cherishing a belief in a most debasing system of witchcraft; as a nation, they have rejected the Gospel; their laws, in fact, resolve themselves into the will of a despotic chief. Their knowledge of art is confined to a few of the rudest applications. They are crafty and cunning, and at the same time indolent and excitable; averse to labor, but when their passions are roused bloodthirsty and cruel, and are apparently unaffected by those influences which tend to raise barbarism to civilization.

*Influence of civilization on barbarism.*—When the Kafir is first brought into contact with civilization he fears and respects; but when he does not recognize the presence of that despotic power under which he was born and bred, and which in his present barbaric state is alone adapted to keep him in proper restraint, he presumes and despises.

So long, however, as that sense of mutual responsibility, on which he has been reared influences him, by which the father is responsible for the son, the family for the father, the captain for the family, and the chief for all, he is held in check; but if that be once broken through, as it must inevitably be, in contact with civilization, and no adequate restraint be substituted, he rapidly degenerates; and being without respect for life and property, he becomes a crafty bandit, as on the frontier of the old colony.

*Influence of Kafirs on productive European labor.*—I believe that the Kafirs are a positive hindrance to the productive industry of

the colony:—1st. Because they throw a certain odium over the position of a servant, which induces every white man to aspire to the condition of a master; so that the white laborer, who when employed by the capitalist, produces more than he consumes, becomes an unproductive master; the productive energies of the whites are through these influences scattered and destroyed.

2. Because they are able, through the unpaid labor of their many wives, the paucity of their wants, their immunity from rent, and other expences, and their proximity to towns, to drive out of the market the civilized European, so far as the common productions of the soil are concerned.

*The causes of the scarcity of native labor.*—1. The great natural indolence and aversion on the part of the natives generally to all steady continuous labor. 2. The opportunity afforded the natives under existing circumstances, of satisfying all their wants by the labor of their wives; doing away with any necessity for work on the part of the men.

*Influence of increased taxation on the supply of native labor.*—I believe that an increased taxation, adequate to necessitate a supply of labor, would in the present state of the natives, be more vexatious and burdensome than the apprenticeship measure.

*Powers of native chiefs.*—I would confirm and strengthen the chiefs influence and power within certain limits, because I think it is absolutely necessary, in the present relations of white and black in this colony, to anything like their efficient government; the relation of chief and people is like that existing between a community of bees and its queen; if we put the chief on one side we destroy the only efficient instrument in our possession for their control. I would allow him power inferior to the Resident Magistrate, but as great as is consistent with the real welfare of his people, and due subjection to Government.

I would allow of appeal from the decision of the chief to the magistrate. I would encourage the idea that the chief's power is derived entirely from the Government and to this end I would employ him as a paid agent of the Government.

*Trial by jury in Kafir cases.*—It is the practice, in accordance with native custom, of the different magistrates resident in Kafir locations, to have around them natives of intelligence and influence on court days; these act more as councillors than jurymen. As this practice is found to work well, and as I think the natives are not yet in a condition to exercise aright the privileges of trial by jury, I would for the present continue it.

*Witchcraft.*—I would entertain and investigate every charge of witchcraft, because I think crime amenable to the law is very often involved in such charges.

*Polygamy.*—I am not acquainted with any practicable means of abolishing polygamy summarily, but I think that the blessings of a

prolonged peace, inasmuch as it would tend to a greater equality of the sexes, would also tend to the gradual extinction of polygamy.

I think also that the influence of the apprenticeship measure in diminishing polygamy would soon be apparent.

BENJ. BLAINE.

*Pieter Albertus Ryno Otto*, one of the members of the Commission.

1. (*By Mr. Barler.*) How long have you resided in this country?—I visited this country in 1840, and was so well pleased with it, both as to its capabilities and the good order of the natives, their willingness to work &c., that I finally emigrated to this colony in Dec. 1841, and settled on my farm Upper Saxony, on the Umgeni, where I have resided ever since.

2. Have you been, since that period, constantly occupied in farming, both pastoral and agricultural?—Yes, continually.

3. Have you been dependent upon the Kafirs for your main supply of labour?—Entirely so, until the last few years in which I have been compelled to avail myself of the white labour which Emigration has brought us, by the independent position in which the system of large locations has placed the Kafir population; while the tax levied upon them was such a mere trifle, that it did not prevent them from supporting themselves in idleness, and thus rendered it almost impossible for the farmer to count on their services.

4. Has this supply been ample and regular, or variable, or uniformly insufficient?—Formerly it was ample, for each farmer had kraals of Kafirs on his farm, to whom, in one shape or another, either by the payment of money or by allowing them to cultivate land, or by a supply of milk, or by permitting them to send their wives or slaves to market with wood, the produce of the farm, he gave ample inducement to remain, on condition of their furnishing a certain amount of labour; and the Kafirs were generally well contented with this arrangement; but when the Kafir found that he could get as good land on the locations as on the farms, that he would be more free from restraint, and that if he remained on the farm he would equally have to pay the hut tax, which his wives could earn on the location for him, he naturally preferred the most independent state, and hence has arisen the uniformly insufficient supply of labour.

5. Are the Kafirs whom you employ now as good labourers, as obedient, and as useful as during the earlier part of your residence in this colony?—Those Kafirs who were captured in the war against the Zulus, and apprenticed to the Dutch farmers, are generally useful and obedient, which can seldom be said of those taken from the kraals,—in proof of which I may mention that at the last Agricultural Show at Pietermaritzburg, two Kafirs, one in my service, and one in that of Mr. Preller, got the prize as the best male farm servants produced. My man has been in my constant employ for twelve years; he considered himself (for he was not so in fact) as my apprentice. A year and a half ago I told him that he was a free man, and that he might if he pleased, continue to serve me for wages, which proposition he accepted, and still continues to work for very moderate wages, and is an excellent servant;—but as

for the Kafir labourers, they are in general disobedient, careless, and lazy in the highest degree, and the very reverse of what they were during my earliest residence in this colony.

6. To what do you attribute this change, seeing that the Kafirs have been under Christian government?—To the mistaken leniency of the English government, and the absence of promptitude in their dealings with the savage, who, having been accustomed to his own laws, which are really severe, cannot in his first state of civilization appreciate this leniency, and is, in fact, injured by it. The worst consequences have always resulted from this line of conduct, which has been the cause of all the wars in the old colony and in the Sovereignty.

7. How long have you been generally able to retain Kafirs in your service?—In the early part of my residence I kept them from two to four years, but now it is with great difficulty that they can be induced, with the aid of the magistrates, to remain six months, which time hardly enables the Kafir to understand farm work, and at the end of that time he does not go to another farmer, but back to independence and laziness at his kraal. Hence farmers, who have cultivated largely, have been obliged to curtail their operations and to confine themselves to just as much as they could get through with the help of their children or friends, barely enough to keep them going. It is invariably thrown in the teeth of the Dutch farmer, that he does not educate his children. and as an Africander I acknowledge this to be true, and deeply regret it, for I know how many evils have arisen from it. On the other hand, what is he to do? He must support his family, give Government its dues, while Government denies him the use of the labor by which alone he can hope to succeed in these objects. For my own part, while employing a worthy and able governess at as high a salary as my means will allow, I am often obliged to keep my children from school for want of other labor. I leave this case to any man of sense and feeling, and I ask if the colony can advance under such a system?

8.—Is it your opinion, that with a constant supply of Kafir labor and with the means at hand of directly, or indirectly, enforcing obedience, so as to make that labor available,—the Natal farmer could carry on his business to advantage,—or do you think his want of success is to be traced to some other cause?—The farmer's want of success is attributable only to the causes I have just mentioned; and if they were removed, we should not only be independent of imports, but should be able to produce hundreds of articles for export, to the great advantage of the colony.

9.—Do you think that the location system generally, or the size of the locations, or the mode in which their management has been conducted, have caused the evils of which we all complain? Do you attribute then to all these sources collectively, or to one or other of them, and if so, to which?—I do not object to the system of locations, but I object to the system as it has been carried out here,—to the size of the locations, and to their management entirely.

10.—Are these evils of recent appearance, or has their growth been gradual?—They have been felt for some time, but are becoming daily worse and worse.

11.—Has the Government hitherto taken any steps to remedy this state of things?—No steps have been taken by the Government which, in my opinion, can possibly lead to an improvement in these matters.

12.—Has the opinion of the colonists been ever consulted on any line of policy that has been hitherto pursued with regard to the Kafirs?—No: on the contrary, when the locations were laid out, no colonist of landed property had a vote in the matter, but only foreigners and officials.

13.—Do you think, if it had, things would have been allowed to come to the present crisis?—Certainly not, unless the officials had got a majority.

14.—Do you, or do you not consider that the promulgation of Earl Grey's despatch, in which Kafir laws and usages are confirmed, and the authority and prestige of chieftainship are upheld and sanctioned, has been most prejudicial to the true interests of the colony, and that the repeal of such a decree is absolutely essential not only to the prosperity, but to the security of the district?—My opinion is, that the sooner such a law is respected the better; not that I think, however, that a Kafir in his savage state, is at all suited to civilized law. I should recommend something between savage and civilized law.

15.—Do you think that the Kafirs would be better ruled, and the country be safer, under a representative form of government?—I think if the colonists had a vote in the Government, and were not overwhelmed by an official majority, it would ensure safety to the district and satisfaction to the inhabitants.

16.—Mr. Scheepers has said that he would recommend the Government to reduce the boundaries of Natal to the Berea Bush, provided they left the rest of the country to the government of the Boers.—Do you agree with this sentiment, and is such the feeling of your countrymen generally, or not?—I do not understand why such a subject was ever mentioned, or what it had to do with the enquiry for which we met; but I am of opinion that such a measure on the part of the British Government, after it has brought the country into such a state, would be highly improper, and would not be justice to the people settled in this country under British rule; and I think this would be the feeling of my countrymen generally.

17.—Do you think, if the Kafir Question were satisfactorily solved, that many of your emigrated countrymen would return to this district?—I think some of them would return, and I am convinced that many practical farmers from the old colony would then come and settle here, as land is cheap and capable of producing anything.

18. What do you think will be the result, should matters continue much longer in their present state?—I am positively of opinion that

the country, if it continues in its present state, will altogether go to ruin ; that a serious war must be the result, and that the white population will have to give up the country to the blacks.

19.—Would you remove the Kafirs in a mass beyond a fixed boundary, as has been recommended by the majority of those who have hitherto been examined, or would you retain them in the colony under an improved form of Government, as suggested by Mr. Archbell and others ; what would be your plan ?—I would do away with the present locations in all instances where the country is rugged and inaccessible. I would distribute the Kafirs in locations of not above 12,000 acres each, throughout the whole British territory, from the Tugela to the Umzimvubu ; giving to those tribes who might be considered aboriginal, the choice of retaining the most advantageous positions, and nearest to the white population. I would recommend the Kafirs in all the locations to be equally taxed, and at an increased amount ; but I would exempt all those who resided on occupied farms, by arrangements between the occupier and themselves.

20.—Would you reduce, or altogether destroy the authority of the chiefs ?—I would destroy it, as soon as it could be safely accomplished.

21.—Mr. Shepstone appears to think that from 20 to 30 acres are scarcely sufficient to maintain a Kafir, while Mr. Archbell contends that 3 or 4 are amply sufficient. What is your opinion on the subject ?—Three or four acres are amply sufficient ; they would then be compelled to habits of industry, and would learn the use of manure, &c., while on Mr. Shepstone's plan they would always be breaking new ground, and would never be drawn to adopt any of those improved methods which would so much tend to their civilization.

22.—Do you think that it can be fairly said that all Kafirs, or tribes of Kafirs within the district, have an equal claim on the British Government for land ?—Decidedly not, as has already been proved.

23.—Do you think that such claims, supposing them to exist, ought to be weighed against the safety and welfare of a white population ?—Of course not.

24.—Do you think an increase of white population the most desirable thing for the colony ? It is the only means, in my opinion, which, together with an improved system of Kafir Government, can save the colony.

25.—Should you, as a very large landed proprietor, object to Government either reducing the upset price of land to a mere nominal sum, or granting leases on conditions of occupation and cultivation, at a very small quit-rent, with a free title at the end of so many years ? Do you think that this would depreciate the value of land, so as to prejudice the interests of present occupiers, or not ?—I think that some such inducement is necessary to induce emigration to Natal, under the present apprehension of Kafir war, &c. I think that small farms of even 500 acres might with very great ad-

vantage be granted to emigrants ; and I do not think that this would at all depreciate the value of land, so as to prejudice the interests of present landholders.

26.—Do you think, that in discussing any plan for the disposal of the Kafirs, we should allow ourselves to be guided in the smallest degree, by the views, or feelings of the Kafirs themselves on the subjects under our consideration, further than those views may appear to affect the practicabilities of our measures ?—No ; for a Kafir does not know even his own true interests. The white man should judge what is best for both.

27.—What is your opinion respecting the apprenticeship of Kafirs, and would you consider such a measure unfair upon them ; and would it expose them to cruelty or oppression ?—I am clearly of opinion that both male and female Kafirs should be apprenticed till they arrive at a certain age, say 16 for girls and 18 for boys, and I do not think they would be treated cruelly, because it would be against the farmer's own interest. Besides the law would always protect them. I would also recommend, that if any tribe of Kafirs rebelled against the Government all the males of that tribe above the age of childhood, should be apprenticed as a punishment for this rebellion, to the different farmers, &c., for periods of from 5 to 10 years, or more, according to their offence ; the wives and daughters should be allowed to reside on the farms or otherwise with their fathers or husbands.

28.—Can a Kafir be held in check by any motive except that of fear ?—Undoubtedly not ; no man can venture to affirm that a Kafir has any feelings of gratitude

29.—Do you think we should get labor, if all the Kafirs were driven out of the district ?—I do not wish to have all the Kafirs driven out of the district and placed together in a mass, for it must one day lead to evil ; besides which I hope to see the whole of the country occupied by white men. I have stated by opinion on this subject in my answer to question 19.

30.—Would you simply increase the hut-tax, or would you alter the principle of the tax ?—The hut tax as far as I am aware, is sufficiently heavy, would answer the purpose.

31.—What do you think would be the effect of grants of land, on condition of military service if required, of warning in case of invasion, &c., for the protection of a border line ?—If the maintenance of a border line be necessary, and men can be found to aid in protecting that line, the value of the land is as nothing in comparison with the advantage to be derived. At present our land is of no use for want of inhabitants.

P. A. R. OTTO.

---

Evidence of *Walter Macfarlane, Esq.*, a member of the commission.

I arrived here in 1849, and have since resided in the Division of Pietermaritzburg.



I think the fact that Ohaka, king of the Zulus, conquered and took possession of Natal from the Tugela to the St. John's River, and that he removed and incorporated the natives with the Zulu nation, save those who fled, vested the sovereignty and unincumbered ownership of Natal in his person.

Dingaan, who succeeded to all his possessions, ceded the whole of Natal to the Dutch Emigrant Farmers in 1839, without any reservation of native rights, or any restrictions whatever.

These circumstances, in my opinion, did away with all aboriginal rights or claims.

The location of the large bodies of Kafirs who subsequently entered the district proceeded on instructions from the local government of the 31st of March, 1846.

In that document these Kafirs are styled natives; this designation is erroneous, these Kafirs were almost entirely foreign refugees.

One of the chief advantages possessed by government in dealing with this important question was the great fact that these Kafirs were not natives. As this circumstance fairly entitled government to fix the terms upon which alone they could be allowed to come into the district, and the terms upon which they were to be located. It also justly entitled government, if necessary, to refuse them admittance into the district altogether.

I think no Kafirs should have been allowed to come into or remain in the district except as labourers willing to work for wages, certainly not as independent squatters.

The constitution of the Commission for locating the Kafirs was, in my opinion, imperfect. No settler was placed on it. It consisted of one military man, two government officials, and two foreign missionaries.

This Location Commission assigned gratuitously to the Kafirs—now called natives—about one-sixth of the colony, or nearly 2,000,000 acres of land.

These arrangements were not submitted to nor approved of by the home government. The report of the Location Commission, of date 30th March, 1847, Blue Book for 1848, page 132, suggesting the machinery for governing the Kafirs, is silent as to the extent and position of the intended locations.

The principle recommended and sanctioned by the home government is the opposite of that adopted by the Location Commission.

The proceedings of the Location Commissioners were condemned by the settlers generally.

On instructions from the local government the Land Commission—a board comprising several colonists of local experience—took into their consideration the locating of the Kafirs.

The Land Commission reported to government, on the 19th of April 1848, Blue Book for 1850 p. 30 and 31, that three-fourths of the Kafirs in the district were foreigners, and had no claims entitling them to land at all—that locations of Kafirs within the dis-

trict were not required to secure labourers to the European settlers, but the contrary.

They recommended that not more than five locations of 50,000 acres each, or 250,000 acres of land in the aggregate, should be allotted to the Kafirs. They pointed out that granting large locations within the District, would encourage the Kafir in his habitual indolence, disincline him to labor for the white inhabitants, make the settlers dependent on him, and peril the peace of the district. They recommended the removal of a portion of the Kafir population to the Southward of Natal, to be there placed in several locations, under proper controul and superintendence in a fertile tract of country, between the Umzimkulu, the new boundary, and the St. John's River, the old boundary of this colony.

On the 30th August and 9th September, 1848, the Land Commission recommended restricting the powers of the Chiefs and deprecated the intermingling of Kafir locations with the properties of the white inhabitants.

The Home Government disapproved of the Land Commissioners recommendation to remove a portion of the Kafir population beyond the Umzimkulu, vide Earl Grey's despatch of 30th Nov. 1849, Blue Book for 1850, p. 195, Section 23, 24, and 25.

I am of opinion that the Land Commission took the correct view when they pointed out the propriety and necessity of removing a portion of the Kafir population settled down in immense masses among the white inhabitants.

If England chooses to try and civilize the blacks *in large masses*, I wish them God speed, but the attempt must be made in a black settlement as on the West Coast. It is monstrous to hazard the safety and property, and to paralyse the industry of civilized men by trying such experiments in the midst of a white settlement.

The attempt will end either in a war of races, or in this white colony becoming a black settlement. Our colored population must be kept within manageable bounds as regards numbers, there is no choice in this matter.

I entirely concur in the recommendation in Earl Grey's despatch of 30th Nov. 1849, above referred to—not to locate the Kafirs as a pastoral people, nor as a people depending mainly for support on their flocks and herds, but so to restrict the size of the locations, as to place the Kafirs in circumstances which would render regular industry necessary for their subsistence—and that sufficient intervals should be left between the different location.

Their civilization and moral improvement depends on this.

The system introduced by the Location Commissioners had however been put into operation previous to 1848, and still continues.

The two cardinal points of policy which seem to have regulated the Dutch Farmers Government in Natal, prior to the arrival of the British authorities, demand serious attention, viz :—

1st. The increase by all legitimate means of a civilized white population.

2nd. The keeping within due bounds as regards numbers, and in strict subordination, the uncivilized Kafir population, chiefly foreign.

To carry out the second point of this policy, they passed a law ordering the gradual removal of the bulk of the Kafir population, which had by degrees crept into the colony, to the open country beyond the Umzimkulu.

The arrival of the British troops in 1842, interfered with and paralyzed the action of that government, and this wise measure was not carried into effect.

The policy of the Dutch Farmers Government has been widely departed from in both points by the British Government, and to that fatal error the present helpless state of Natal is attributable.

The British authorities have acted as if the presence or absence of a large white population in Natal was a matter of the utmost indifference.

Various causes tended to dissatisfy the first white settlers produced much discontent and led many to desert this country. The resolution that no man should be entitled to his farm, unless he had occupied it for twelve months prior to the arrival of the Hon'ble Her Majesty's Commissioner in 1843, which left many without lands of their own to settle on.

Depriving the people of all voice in the management of their own affairs, although the continuance of this privilege was earnestly entreated by the settlers and recommended by Her Majesty's Commissioner Mr. Cloete.

The introduction of restrictions into the Title Deeds of one class of settlers.

The forcible seizure of private properties without compensation, although the undisturbed possession of all private property was guaranteed by Proclamation in 1843, when Natal was taken possession of.

The permitted large and continuous influx of warlike foreign savages.

The locating of this population in large masses among the white inhabitants, without any efficient controul.

The proclaimed resolution to rule this rude savage population by one and the same law as the civilized inhabitants, which appeared to the early settlers, personally acquainted with the true character of the Kafir impracticable and certain to result in evil.

The policy pursued by the British authorities has led to the following results,—it has denuded the country of upwards of two thirds of its original white inhabitants, and embittered their feelings, and it has allowed the country to be over run with immense hordes of foreign savages, who are virtually the masters of the Local Government and of the colony also.

I am of opinion that 4,000,000 acres of land or about one third of Natal, as restricted in size by the British Government, would

have been sufficient to have accommodated comfortably the whole of the first white inhabitants.

It is utterly impracticable to treat with, or to rule for their own advantage, a savage warlike population by the same laws, which are sufficient to govern, and secure the well being of a civilized community, it is cruel to attempt it.

A savage is necessarily not qualified properly to appreciate the privileges of, nor to fulfill the duties incumbent on British subjects, with him liberty such as is suitable for a civilized man, is certain to degenerate into license, then comes a state of anarchy which no civilized Government dare overlook, this is necessarily followed by bloodshed and war. If the savage Kafir could appreciate these privileges and fulfill these obligations he would no longer be a savage.

I am of opinion that conferring the title and privileges of British subjects, upon every wandering savage who chooses to wade across the Tugela, and squat down here, hampers government and embarrasses the Magistrates in dealing with him, when settled as a fellow subject, amidst a civilized community.

I do not see how the authorities are exactly entitled to issue the orders necessary to regulate and restrain the Kafir, who has been made a British subject in Natal, under a Proclamation which declares that there shall be no distinction in the eye of the law, founded on color, origin, language or creed.

I think this Proclamation places the local Government and the Magistrate in a false position. I do not see that under it,—they are legally entitled to treat one class of British subjects in Natal differently from another class, although I at once admit the absolute necessity of doing so, to secure the improvement of the uncivilized class.

The Kafir sees this difficulty and moots this question.

I have heard Magistrates complain repeatedly of this incumbrance.

This Proclamation should be recalled so far as being utterly inapplicable to the actual circumstances of the Kafir, and a hindrance to his proper management and consequent civilization.

It would simplify matters to call and treat the Kafirs as "a colored population living under British protection"

The only kind of rule suited for a barbarous people—the only truly merciful rule—is a strong, resolute government, which never vacillates nor gives way, it must not be changeable nor capricious, but strictly defined and firm. Any other kind of government is regarded by the savage as an evidence of weakness.

The Resident Kafir Magistrate ought to be put in possession of the most ample means of prompt and energetic action. These powers should be fully defined. The magistrates should be legally invested with the powers of paramount chiefs, and then be held responsible for the state of their locations.

It is not possible for a civilized population and a savage warlike population, in large numbers, to live together in security and peace in the same country. The experience of other colonies demonstrates this.

Two alternatives are alone left open to the British government, and the choice will be forced upon them by circumstances—1st, Government must either exterminate the Kafirs, following out the necessary

results of an inappropriate policy towards them, as in the Cape Colony, or—2nd, Government must adopt such measures as will civilize the Kafirs, train them to habits of industry, and compel them, by force, if necessary, to restrain himself, and become a useful member of society, if he is to live in the midst of a civilized community.

The present lax system of rule is ruinous to the colony, and is objectionable in respect that it does not tend to improve the Kafirs. It leaves the youth savages, and fails to train them up as civilized men; it renders future war and bloodshed inevitable.

I do not approve of the way in which justice is dispensed in Pietermaritzburg between white and black; the authorities appear to me unduly to favor the latter. I think my own experience in a case with my farm Kafirs proves this opinion to be correct, and I have heard many similar complaints from others.

I do not agree with the opinion in the Diplomatic Agent's letter to the Secretary to the Local Government of date 7th April, 1851, in his evidence, viz.,—"I have exercised uninterruptedly for five years every function of government, executive, judicial, and military; and I believe I can without presumption say, with perfect success, so far as the natives themselves are concerned."

This is inconsistent with the evidence of the Diplomatic Agent before this Commission, to the effect—for example—that the expected amelioration of the moral condition of the Kafirs within this district, and their advance in civilization, have not been realized to any reasonable extent. That successful combination for passive resistance to government has occurred. That no punishment has been inflicted on the delinquents. That the Kafirs are much more insubordinate and impatient of control than formerly. That serious crimes against the persons and property of the white inhabitants have increased.

The Kafir is at present left to follow his own devices and indolent savage propensities. He is not governed; the attempt is made to coax him into doing that which is right; the Kafir sees through this, and laughs at it. This fact, to a great extent accounts for the insubordinate state of the Kafirs within the District. The peace of the district hitherto, has not been owing to the good government of the Kafirs, but to the following facts:—That the Kafirs in Natal were formerly poor,—were refugees—were disunited—and, above all, were handed over to the British government by the Dutch farmers' government, strictly obedient and subordinate. This state of things is rapidly passing away. The doctrine that a civilized government is bound to extend protection to every barbarian refugee who may flee into their territory, is in my opinion untenable and absurd, when it can be shown that harboring the refugee endangers the civilized government. *Salus reipublice prima lex*. The first duty of every government is to protect and secure the peace of its own country. The government which allows its own people to be swamped and endangered by an unlimited influx of barbarian refugees, fails in performing this duty. There is no analogy between a civilized government in Europe protecting a civilized refugee, and a civilized government here protecting a savage refugee, whom it is impossible to bind by either honor or gratitude, who will turn round on his protectors whenever caprice or apparent self-interest dictate that course; and where the number of the protected so immensely exceeds that of their protectors.

I do not believe in the disunion alleged to exist among the Kafirs in the district, as a source of safety to be depended on, by the white inhabitants. The proceedings of the Kafirs in the beginning of 1851, when it was determined to send a force of these people to assist the Cape government on the Frontier, proves this. At that time the chiefs or delegates from the tribes met in the recesses of the Zwart Kop location, and discussed the question of obeying the local government. They resolved to refuse to do so. They debated whether they were sufficiently strong now to attack or resist government by force, should government attempt to enforce its order—they decided this point in the negative for the present. They debated whether government was in a position to compel them to go if they determined to remain, were true to each other, and refused to assist government, the one against the other,—they decided this point in the negative. They resolved that for the future they would not assist government, one tribe against another, when called on by government, and bound themselves to each other to that effect, by what they understand as equivalent to an oath.

Delegates from this meeting attended meetings convened in other districts, where similar resolutions were discussed and agreed to.

Government is aware of these facts ;—the Kafirs remain unpunished.

The Kafirs have therefore now combined as one people, and learned the lesson that this government is at present afraid of, and cannot punish them when united.

I think that this is a lesson, which once learned will not be forgotten.

This national act of disaffection by the Kafirs, and this illegal combination for warlike purposes, when in their opinion a suitable time arrives, necessarily destroys all their claims on the British Government; it opens up afresh, all questions as to the terms of their residence in this country, and it fairly entitles Government instructed by the past, to *start de novo*, in its arrangements for the future.

The powers of the Kafir chiefs ought to be materially curtailed, if not altogether abolished, as such. They are dangerous, and tend also to wed the Kafir to their own usages.

I would abolish the chief's claims for services on their people, and transfer all such claims to the white magistrates, as the actual paramount chiefs,—and treat the Kafir chiefs merely as captains of kraals.

I would vest the judicial powers of the chiefs in the white magistrate. The Kafirs would then be taught to look to the law, and not to their petty chiefs, for redress and protection in a British territory.

I think it advisable to make the chiefs subordinate paid Government officers, possessed merely of a delegated authority. They, together with some of the older and more intelligent of the Kafirs, elected by their brethren, subject to the approval of the magistrate, would be of use also as a council or jury, in the trial of Kafir cases.

I would abolish the right of the chiefs to add to the number of their tribes without authority.

I would remove those so added, especially when the tribe was large, and put them under another Kafir, as their chief or captain.

I would not permit any chief to summon his tribe together, for any purpose whatever, as he does at present, at his own pleasure, —withdrawing even the Kafir servants of the white inhabitants.

I would abolish in every respect the chief's jurisdiction or powers, over Kafirs settled on private occupied farms; and over the servants also of the white inhabitants, while in such service.

I would forbid the military organization or regimenting of the Kafir population by the chiefs. At present, the old married men are put into the first class, the young married men into the second class, and the lads into the third class regiments. These classes are divided into regiments, each of 100 strong or more, until all the adult males in a tribe are entered as soldiers. Among Kafirs the status of a chief is reckoned by the number of his regiments. These regiments are periodically mustered,—for instance at the dance of the first fruits.

I would tolerate no such proceedings among barbarians in a British colony, it is fraught with danger, and amounts, in point of fact, to an organised standing army of savages within the district and under the controul of their chiefs.

All Kafirs within the district should be disarmed.

A general census of the Kafirs and of their cattle should be made annually.

All private trading in Gunpowder should be stopped in South Africa, and this trade should be kept altogether in the hands of Government, as was the case in the Cape colony prior to 1828.

I think Revenue Cruisers on the coast, with hard labor on the roads, to all convicted of carrying on this trade would prevent smuggling.

There is a law in Natal against a white man selling a gun to a Kafir, but there is no law against a Kafir being possessed of fire arms—this ought to be amended.

I disapprove of the present immense locations for the Kafirs on the following grounds:—

1st.—The position of these locations—they stretch in a nearly continuous chain from the sea to the Drackensberg; they surround the white population, practically divide the district, and give the Kafir the command of it.

2nd.—The forcible appropriation, without compensation, of private properties included in these locations is unjust, and the intermingling of the Kafir locations with the white inhabitants are both in direct opposition to the spirit and terms of the Proclamation of 14th May, 1843, and 10th February, 1848, *vide* Ninth General Report of the Colonial Land Emigration Commissioners—appendix No. 38, page 76.

3rd.—Many parts of these locations are so rugged and impervious, that the Kafir is in possession of the natural strongholds of the colony. Should the Kafirs rise, they can sweep the colony in

any direction, and retire with their plunder into those fastnesses where their own cattle and provision grounds are situated.

4th.—Should it ever become necessary to operate with a military or burgher force against any of these Kafirs, the nature and extent of the present locations will make it very difficult to do so effectually. The close proximity of these locations to each other, renders it more than probable that the Kafirs not originally implicated in this operation, would become so; this also affords a ready means of retreat to the guilty. *Vide* any map of the district in which all the Kafir locations are laid down.

5th.—Some of the present locations are too near towns. This aggravates the sufferings of the Kafir wives, or female slaves, owing to their having increased field labor laid on to them to produce articles for sale.

6th.—In proportion to the profits derived from this forced female labor, is the disinclination of the male Kafir to work, he consequently remains a savage. The chief supply of Kafir labor in the district comes from a distance.

7th.—As  $1\frac{1}{2}$  to 3 acres of land are sufficient to support a civilized man in Europe with artificial wants, 20 acres of average land are not required to support a Kafir without these wants in Natal, which can produce two crops in the year. This allowance of 20 acres moreover, supposes all the Kafirs in the district, are living within the location;—this is not the case, a large portion of the Kafir population does not reside in the locations at all, but on private lands and with private parties. According to the above data, the present locations are in extent equal to the support of upwards of 500,000 Kafirs, while there is, as yet, fortunately only about one-fifth of that number in the district.

8th.—The immense extent of the present locations is a positive injury to the Kafir himself, and retards his civilization, as it encourages him to lead a wandering pastoral life, instead of settling down to fixed industrial pursuits.

9th.—The present locations act as a direct premium or encouragement to the surrounding foreign Kafirs to enter and squat down in the colony, which is just what ought to be avoided; and also, do away with all inducement to the Kafirs here, to oppose or object to, this additional influx.

10th.—This constant addition of a fresh barbarian population retards the improvement and civilization of the Kafirs already settled in the district.

11th.—An easy, vigorous, and efficient control of these immense locations is impracticable.

I consider it fortunate that the home Government refused to lend the money, at first required to defray the expenses of the present locations, as their doing so would have perpetuated a great evil, and perhaps upheld a system radically vicious.



I think most of the present locations should be broken up altogether.

The private properties included in them should be returned to the rightful owners and the remainder sold.

As parts of these locations are so rugged, as to be less valuable than average land, though healthy enough for stock,—the principle adopted in the Klip River division should be introduced, and larger blocks than 6,000 sold as one farm; purchasers would then receive full value for their money.

I would advise that the number of the Kafir locations should be restricted to six, each of an extent not exceeding four first class farms, or of from 24,000 to 25,000 acres of good open land. Each location well separated from the others, and thoroughly opened up throughout with good practicable roads.

I think that a Kafir population, not exceeding from 5,000 to 6,000 souls, should be placed on each of these locations, giving the preferent choice of locations to those who are called Aborigines, and that, that population should be divided into not less than four villages, that is at least one village in each 6,000 acres; each village under its own head men.

I would make the head men of each village municipal authorities under the magistrate. This would curtail the power of the larger chiefs.

I would not permit any chief to interfere with the affairs or the people of any village, except the one in which he was himself appointed to live.

Each occupied 6,000 acre farm should have from five to six Kafir kraals allocated to it also, if wished by the occupier, and not more; smaller farms in a similar proportion,—that is Kafir kraals consisting of one married man only, with his wives and families.

These Kafirs should pay their rents in money, not in labor, and receive payment for their labour in money also. This prevents misunderstandings, and both parties then know what they are doing.

I would also retain within the district the Kafirs required to protect the north and west from the incursions of the Bushmen; or what would amount to the same thing, and perhaps be better, restrict the size of one of the new locations and place a portion of its inhabitants as above.

It is necessary and expedient to remove the remainder of the Kafir population. The direction I would prefer would be to the northward of Natal, beyond the Buffalo River. The country to the southward of Natal is the natural home of the European in South Africa, and ought to be filled up with a white population. If impracticable to remove them to the northward, then I would remove them to the southward to the open unoccupied country beyond the Umzimkulu. I would place them in similar locations there; each location well separated or distant from the others—situated with

special reference to supply the labor to be required by future settlers, when that country becomes colonized.

Placing the Kafirs there in one large body must be carefully avoided, as that would most certainly embarrass the future, cut off Natal from the other white settlements to the southward, and prevent the efficient control and good government of the Kafir.

No broken, rugged, or densely wooded country should be included in, or be very near to Kafir locations; an open country is alone suitable.

The land at the Umcomas is too ragged and bushy, besides there are several registered farms there already, which had better not be interfered with. This is an important point.

I am of opinion that while it is impracticable so to arrange Kafir locations, in this mountainous country, where immense blocks of 400,000 acres are assigned as one location, it is perfectly practicable to do so, if each location be restricted to 24,000 or 25,000 acres.

As an essential preliminary I would advise the appointment of a board, comprising some experienced settlers, to select proper land for these locations, as to situation, nature of the ground, and its capabilities.

I would remove all Kafirs found squatting on Crown or private unoccupied lands into the locations, as also the kraals on private occupied lands, in excess of the allowed number.

I would not permit location Kafirs to leave their locations, and wander up and down through the district.

Every Kafir here, and those located beyond the Umzimkulu also, should be furnished with a distinguishing badge or medal, to be always worn under pain of punishment.

All Kafirs should be ordered to clothe themselves decently.

I think that without interfering in any way with the existing polygamous marriages of the Kafirs, polygamy for the future should be forbidden by law, after an early given date.

All foreign Kafirs entering the district without authority from the frontier magistrates, should be apprehended as vagrants. The ordinary police, the proposed mounted location police, and Kafir messengers would effect this.

Every location, both here and beyond the Umzimkulu, should be under the control of a resident white magistrate, with a clerk, both of whom, if possible, should be able to speak the English, Dutch, and Kafir languages.

Each location should also be provided with a Government industrial school in each village, an hospital, with suitable wards attached for the imprisonment of offenders, a small body of armed mounted white police, and some Kafir messengers. Unmounted men are of no use in this country.

No armed colored force should be enrolled or depended on, on any account. They are not to be trusted in time of need.

The education of the young Kafirs of both sexes should be compulsory, and not left to the caprice of their uncivilized parents. Experience proves that Kafir parents refuse to send their children to school, unless the child is paid for its attendance,—they then send them to work at school, as they look on it, for wages, just as they would send them to work for any private party, for the same inducement.

An annual rate should be laid on the Kafirs in addition to the present small yearly hut tax, to defray the expences of the schools, hospitals, police force, and any other necessary expenditure of a strictly local character.

This is a principle approved of by the home Government, and enforced by General Circular to the Governors of the West Indian colonies, *Vide* Eleventh General Report of Colonial Land and Emigration Commissioners for 1851, page 76, appendix No. 42, sections 8, 9, and 10.

This principle is equally applicable to Natal.

The religious training of the young Kafir should be left to the zeal of the christian churches and to the missionaries, to whom every countenance should be extended by Government, so long as they conduct themselves in a manner befitting their high calling.

I think a civilized Government stands in a paternal relation to its barbarian subjects, who cannot be expected to guide and restrain themselves, and is morally bound to direct, to think, and act for them to a great extent in almost everything, although this would justly be considered an infringement on the liberty of a civilized man.

I am of opinion that a Government which shrinks from this duty, and allows the youth of a savage population under its jurisdiction, to grow up in ignorant sensual sloth and idleness, as is the case in Natal, and which does not introduce a better state of things, and inculcate fixed habits of industry by vigorous restraint and force, if necessary, is as criminal as the christian parent who weakly allows his child to grow up in ignorant and wayward idleness.

To continue therefore, and to confirm the industrial training and civilization of the young Kafir, commenced at the Government industrial schools, I would recommend that Government should apprentice him out for wages to the civilized settlers, for a period of years.

By the end of this time I would expect, that instead of a savage, the district would possess a useful trained servant accustomed to civilized usages.

I know of nothing that will sooner destroy and obliterate, the good obtainable at a properly conducted school, and be more likely to induce the young Kafir to remain a savage, than leaving that school to return to the idle sensuality and indolent degrading habits of a Kafir kraal, there to forget all he has learned. The young ought to be removed altogether, if possible, from such influence and example.

I disapprove of slavery in every shape. I consider it a criminal act for one man to enslave another.

I am also of opinion that slave labour is dearer and less effective than free labour.

I think there is a wide and essential difference between the position of the young Government apprenticed Kafir labouring for wages, for a limited period, and gradually being trained to habits of industry under a clearly defined law to prevent oppression, and the position of the slave.

As a return for the advantages of British protection, and to secure a better and a continuous supply of labour from the Kafir population generally, I would advise that an annual hut tax of 20s., instead of 7s., or a larger tax if necessary, should be levied on all location Kafirs; relieving from this additional tax all huts whose young people choose to register their names with their magistrates, as willing to work for wages, when offered work through him.

Some of the magistrates have already materially assisted the settlers by inducing young Kafirs to go out as labourers.

The settlers in each division should be entitled by law to apply to the magistrate of that division for the servants they require.

The magistrate should select them from those who have registered themselves as preferring to work rather than pay the additional hut tax.

When Kafirs neither wished to work nor pay the additional hut tax, I would leave them at liberty and grant them a reasonable time to remove from the colony, to the country from whence they originally came, taking with them all their cattle, wives, and other property.

I think the employers of all Kafirs, who are engaged for a period of years, should be bound by law to clothe and lodge them well, to allow them light and fuel at night, and ten days or a fortnight each year to visit their friends.

I would make an essential difference between such servants, and those who would only engage for a month or two.

Short engagements by Kafir servants should be discouraged. Long engagements should be made the rule. Short engagements are of little use either to the settler or in improving the Kafir, and act as a great bar to the mutual kindly and confidential feeling, which lengthened service in one place produces.

No man will take the same pains to train and instruct a Kafir engaged for two or three months only, which he would do with Kafirs engaged for two or three years.

The Kafir is here a great loser—he seldom rises to be an expert dexterous workman, and is paid accordingly.

Government should employ as many of the Kafirs as possible when removed to our southern boundary, beyond the Umzimkulu, on roads, &c., there, to train the Kafirs to improved habits, and to prepare that country for easy and early successful colonization. Natal is deeply interested in this, and so also are the eastern frontier of the old colony, and the whole of the Sovereignty.

I do not approve of the introduction of convict or Coolie labour into Natal; neither is required. The sound policy for Natal is to manage properly the abundant labour she already possesses,—this only requires to be judiciously organized and made available to afford more labourers than Government and the present colonists can employ.

I do not think that with the present white population and military force in the district is in a position to put the colony to rights, should the Kafirs resist.

England took possession of Natal when it was secure and prosperous, and

in defiance of the wishes and remonstrances of the colonists, has allowed the colony to fall into its present position. I think she is bound to rectify these mistakes, and assist the settlers now. I do not think she will refuse to do so.

It would be necessary to procure a force of cavalry before attempting to remove any portion of the Kafirs, and to arrange their future government on a satisfactory basis.

Infantry are of little use ; it is impossible for a heavily accoutred European foot soldier to come up with a Kafir, if the Kafir chooses to keep out of his way.

With such an additional force in the district, if the necessary arrangements as to the new locations are previously made, and the whole matter fully explained to the Kafirs, no resistance would, in all probability be attempted ; if it were, it should be put down vigorously, by force, at once.

Still more certainly to prevent alike the chance of bloodshed and an unnecessary military expenditure, I would advise that government depute the Crown Prosecutor and three or four of the respectable Dutch settlers to wait on our friends and neighbours the Trans Vaal government, and arrange a treaty of alliance with them, to secure assistance, if necessary, from that quarter also. Similar arrangements should be made with the people of the Sovereignty, and, if successful I would inform the Kafirs of the fact.

An additional white population in Natal is an indispensable necessity, the future of the colony hinges upon this. Sir Harry Smith, when Governor General at the Cape, clearly saw this great necessity, desired to settle a white population in Natal, and prevent the early settlers deserting the district ; *vide* his Proclamations and Dispatches on this subject. His views in these respects were not supported and carried out.

If government would, for the present, reduce the minimum upset price of crown lands from four shillings an acre—which is double the price of crown lands in the Cape colony and in the Sovereignty—to six-pence an acre, that is, to something like the price asked by private holders, it would induce an additional white population to settle in this beautiful country, both from England and South Africa generally.

Instead of demanding the price of crown lands in a present cash payment, government should grant titles to purchasers, constituting the interest of the price obtained, a *redeemable annual ground-rent*, secured on the land, payable to the crown, in addition to the present annual crown quit-rent.

This would leave the purchaser's capital unlocked up in land, stimulate improvement, lead to extended agricultural operations, and to the consequent employment of additional white labouring emigrants.

Government is justly entitled to alter the price of crown lands. Every settler is entitled to fix his own price. I do not see that any previous purchaser has a right to complain.

Of the monied classes the rich do not emigrate, but moderate

capitalists only. I cannot see how this class, or the sons of settlers already in the country, are to settle down on farms of their own, when in addition to the large amount required to stock, enclose, build on, and cultivate a farm, government asks £1200 cash for it. These men have not the money to sink in the purchase of land, and I am perfectly certain that without them Natal will never be safe.

Natal, like Australia, is, generally speaking, a grazing—not an agricultural country—large farms are consequently required. The only exceptions are those parts of the country where tropical productions can be raised, and the land in the immediate neighbourhood of the Pietermaritzburg market—there smaller farms may do.

The Dutch Farmers Government, beyond the Vaal River, composed of experienced colonists, have seen the great truth that a land in South Africa with a few white inhabitants only, is necessarily valueless and insecure, and accordingly have made arrangements, distinguished by practical sagacity and a provident regard for the future, to induce a large white population to settle there. The British authorities would do well to imitate this policy to some extent. Everything depends upon carrying out this successfully.

I am of opinion that the concession of Representative Institutions to the white inhabitants of Natal, is necessary and would tend at once to settle the present on a satisfactory basis, and to secure the future. It would also induce a desirable class of Englishmen, and of the Trans Vaal people to emigrate hither. I agree in opinion with the Honorable Mr. Cloete, the learned Recorder, that had these institutions been granted in 1843, as recommended, the present question would long ere this have been satisfactorily set at rest.

I agree in opinion with Mr. Shepstone, the Diplomatic Agent,—Mr. Boshof the Registrar of the District Court, formerly Landroest under the Dutch farmers' government here, and other witnesses, that the abrogation of free institutions has been prejudicial to Natal,—that her position was better under these institutions, both as regards her security and her trade, than it is under the present form of government, and I think that until the present system of rule is thoroughly altered, and the people allowed to manage their own affairs, there is little likelihood of the future differing from the present.

I do not propose that the Kafirs should take a part in the government of the Colony, any more than they do in its present government.

No untutored ignorant savage, is qualified to take a part in any Constitutional Government. The Government of a country is too important a subject to be converted into burlesque.

I think the form of government most likely to conduce to the contentment and security of the white population, to increase their number, to secure the good government, civilization and moral improvement of the black population, and one suited to the present government of Natal, would be the following:—A governor ap-

pointed by the Crown. An Upper Council nominated for life by the Crown, and a Representative Council elected for a limited period of years by the people.

This government should be possessed of full and unlimited controul over all local affairs. All money Bills to be originated in the Representative Council.

The Governor and his Executive Council to carry on the duties of the Government, as at present.

The incurable and radical defect of all past South African Governments is two fold,—

1st. They have been directed, instructed and controlled, not by the civilized white inhabitants, but by the Colonial Office in Downing Street, too far distant from the theatre of events, and necessarily unacquainted with the ever varying details of local affairs.

2nd. This system has a direct tendency to bias the subordinate government, and naturally leads it to frame its policy, not according to its own judgement, instructed by experience on the spot, but according to the supposed opinions or predilections of the Secretary for the Colonies for the time being.

If South Africa is to be well governed and is to cease to be a blot on England's legislation for the future, the policy pursued here must no longer be based on, or shaped to meet the supposed opinions of any man, or body of men at a distance, it must be based on the actual circumstances and requirements of the country.

I am of opinion that the satisfactory solution of the foregoing important questions for Natal, demands the most immediate attention, and must not be allowed to stand over—for two reasons,—

1st. If not speedily and wisely arranged, more of the civilized inhabitants will leave the District and settle elsewhere, beyond the boundary—and

2nd. If the whites do not solve the difficulty, the Kafirs will do it for them.

WALTER MACFARLANE.

---

### *EVIDENCE OF G. R. PEPPERCORNE.*

---

Pietermaritzburg, December, 1852.

SIR,—

In order to meet the inquiries instituted by the Local Government of Natal, upon matters connected with the native population of this district, I will limit my observations to the information I have received personally from native sources, as I am aware that there are gentlemen who, from long connection with the country, and the natives, are more competent to afford accurate information on their history. Having but a general knowledge of the whole district, my deductions will be drawn chiefly from the Pafana Location and its inhabitants.

I was appointed Magistrate for the native tribes in that Location in August, 1850, and resigned that appointment at the end of July, 1852.

H H H

The Location is a tract of sterile broken country, extending generally round the confluence of the Umzimyati, the upper Tugela, and the Pafana or Mooi Rivers.

#### POPULATION.

Under this head I insert the following abstract of the return made for my Location in July last, as the best datum I can furnish :—

TRIBE.	CHIEFS.	HUTS.	MEN.	WOMEN.	NON-ADULTS.	TOTAL.
Amaçuni.	Pagade	1172	370	819	1845	3034
Amabomvu	Somahashe	591	215	421	1006	1712
Amalati	Ditto	32	11	25	58	94
Amakabele	Magadama	425	151	368	950	1169
Totals..		2220	747	1703	3560	6010
Amadondi	Debinyeka	146	53	124	216	393
Totals..		2366	800	1827	3775	6403

I have kept separate the part-tribe of Debinyeka, who resides at the Zwaartkop, because they are almost exclusively located on adjacent unoccupied farms.

By men and women is to be understood those married; by non-adults, both sexes under the age of twenty; but as the females usually become wives at about the age of sixteen, the non-adult males will predominate.

To obtain a correct census of population to even such an extent as that of my Location, required the means of effecting it simultaneously in one day. This was impracticable; but the abstract is not, in any sense, a mere estimate, but an enumeration, kraal by kraal, of which the details are posted, and were obtained from time to time, chiefly by myself, but partly through native agents on whom I could rely. A small portion of the tribe of Nodada, on the south side of the Tugela is excluded.

This leaves a total of huts, 2,220; population, 6,010

I perceive by the evidence, that the Local Government does not appear to possess similar data of other Locations, but that the native population is variously estimated by allowing 3, 3½, and even 4 inhabitants per hut. My totals certainly offer a different result, for 6,010 divided by 2,220, is equal to 2.7, or 2½ nearly.

I am not disposed to adopt a higher unit, because I know that, at present, in the Pafana Location, one hut in ten does not represent population, being kept for temporary occupation for strangers. The huts generally represent the female population; but these characteristics will probably disappear, or be modified, in another year, which will tend to raise the unit to 3. At present, to adopt that unit, would require a margin of 650 to be allowed for errors, which cannot have occurred to that extent.

As I presume that the Government are now in possession of the total number of huts, if the unit of 2½ is taken, I think that it will nearly



give the correct population, by taking the tax in excess at £9,000. At 7s. per hut, that would give huts 25,714 multiplied by  $2\frac{1}{2}$ =70,715 for the total population. I am not disposed, therefore, to estimate the native population to exceed 75,000.

This estimate may be tested by the evidence of the Magistrate of the Klip River division, who states the native population there at "between 20,000 and 25,000;" but subsequently enumerates them by tribes at 23,890. I find, however, by the latter part of this evidence, that the estimate is founded on an assumed datum of  $3\frac{1}{2}$  inhabitants per hut.

But as a specific case is also quoted of "a tribe" of huts, under Usidimane, containing a population of "between 80 and 100 souls," or, in other words, 80 individuals—that only affords a unit of  $2\frac{1}{2}$ , which certainly seems as much below, as  $3\frac{1}{2}$  is above, the real datum. It is evident that a mere fraction, therefore, makes a great difference; but from my personal knowledge, I believe that the tribe of Nodada does not exceed 2,000, nor that of Dabenkulu 1,200, although quoted at 4,000 and 2,500.

If the native population of Klip River division amounted to 23,890 souls, as stated, that number, at the assumed data of  $3\frac{1}{2}$  per hut, would give 9,290 huts, and should have yielded a tax of £3,251 10s., which, I am inclined to think, has not been received in that division. The native population, estimated at 23,890, most probably does not exceed 16,000 in the Klip River division.

#### TRIBES, CHIEFS, ABORIGINES.

I understand, by a tribe, a section of the native population, originally connected and maintained by blood relationship, through succeeding generations; and by an hereditary chief, the head of that tribe descended in a direct line from its original founder. The natives acknowledge none other; for even the brother or son of a chief receives but little or no further consideration than any other member of the tribe. The chief selects from time to time his assistants or serjeants (indunas), and a few of the heads of kraals, as councillors. I consider this the usual organization of a tribe; but such terms as petty chiefs, &c., are unknown to the native. A chief must have a distinct tribe, or he is no chief at all.

About the time of Tshaka's father, Sinzangakona, the Amazulu was, I believe, the most numerous tribe, and that chief assumed, and attempted to perpetuate his supremacy, but it was resisted at first, and Tshaka was, I conceive, the first really paramount chief on record of these tribes; but no actual fusion took place even then. Tshaka maintained his supremacy by an incessant state of war, which was continued, in a less degree, by Dingaan.

These events altered the habits of the people to a certain extent, but that is not to be taken, I think, as their natural condition, which is chiefly pastoral. Had they not come into contact, for another generation, with the English and the Boers, a settled monarchy would most likely have been established.

The appointment of any chief by the *nomination* of the paramount chief, I do not think has ever obtained; but a tribe has sometimes thrown off a branch, under the junior brother of its chief.

The chiefs of the Pafana Location are Pakade, Somahashe, and Ma-

gadama, and they trace their descent through five or six generations. These tribes are still integral, and rarely intermix by marriage. They occupy distinct tracts, although contiguous; and may be said, therefore, to occupy three distinct Locations—in the way in which the term seems sometimes used.

The tribes with which I have become acquainted in this district, are :—

CHIEFS	TRIBES.
Nodada	} Aba-tembu
Matshana	
Umbulingeni	- Ama-bassa
Dabankube	
Izikali	Amançgwan
Pagade	Ama-çuni
Somahashe	} Amabomon
Homoi	
Magadama	Amakabele
Umusi	} Amaçkwabi
Umfongoniano	
Faku	Amungçulosa
Lugadjia	Amangçnamalala
Debenyeka	Amadondi

There, are, I believe, as many more in the district.

The following I do not consider as hereditary chiefs, strictly speaking : Matshana, the grandson of Joab ; Umbulingeni, the uncle to Nodada ; Umfongoniano and Homoi, junior brothers of Umusi and Somahashe.

Joab, some years deceased, was, as I am informed, a favorite induna of Tshaka, and builder of his kraals. Tshaka could not make him a chief for the reason stated ; but he gave him a large amount of cattle, with which he afterwards crossed to this side of the Umzimyati, where he found a portion of the Ama-tembu. This tribe, under its chief Ingoza (the father of Nodada) had been sent by Tshaka against the Ama-ponda, where Ingoza was killed. The tribe broke up, and a part went on, and, I believe, became known in the old colony as Tambookies ; a part returned and settled in this district, where Joab found them. When the Boers entered the country, Nodada, their chief, was a boy, and Joab having made an offering of 500 head of cattle, was recognised by them as the chief of the tribe. This is what I understand by the natives to have been the transaction. A part of the tribe, however, withdrew, with Umbulengeni, to the Slambiti ; and another part, after many disputes, and much fighting, continued to recognise Nodada, who was, in fact, the real chief of the whole.

Homoi and Umfongoniano are not considered as chiefs, by the natives at large.

I am satisfied that there is no such distinction in the minds of the natives, as that implied by the word aborigines. Before the establishment of the British Government, the river Tugella formed no boundary in their eyes. In fact the tribes of South Africa generally occupy both sides of a river, and always describe their Location by its name.

I have been told, by a very old man of the tribe of Pagade, that

when he was a boy, in the time of Djama, the Zulu chief, the tribe of Pagade occupied the whole valley of the Pafana, up to its source ; after which they moved over the Umzimyati. The tribe of Fodo, which is now placed over the Umzimkulu, took their place ; but when the Amaçuni returned, much reduced in numbers, under Pagade, about 1837, Fodo was forced to give it up again. Two generations had then intervened.

Magadama's tribe never wholly abandoned the tract they now occupy, which, in the time of his father, Uçopa, embraced the whole of the surrounding farms to the head of the Slambiti.

The tribe of the Amadondi, before Endlava its chief, the father of Debinyeka, was killed by the Boers, was also located near the tribe of Magadama. The tribe of Somahashe, at one time, occupied both sides of the Umzimyati.

The valley of the Umvoti, certainly had a considerable population, even in the time of Tshaka, and traces of large kraals may still be seen in that vicinity.

I will not enter further upon this subject, as there is better information to be obtained from others ; my impression is, that there was a larger native population, even in 1838, in this district, than seems to be supposed. The natives have always occupied the broken country, where their numbers would hardly become known at that time. I think that the principal re-immigration from the Zulu country took place about 1836-7, to evade a constant state of warfare ; and again about 1843, to escape the cruelties and extortions of Panda, to meet the demands made on him by the Boers for cattle.

I do not think that a material increase has taken place since 1846 ; and certainly very little for the last two years, during which time not more than ten to fifteen natives, without cattle, have passed the Tugela into the Pafana Location.

This is one of the three paths into the district, from the Zulu country ; and I think that about the same number have left the Location, and returned to their friends in the Zulu country. Any material or permanent addition to the population of the Location from the Zulu country, would be resisted by the present inhabitants, as it barely subsists them at present.

It is, undoubtedly, competent for the Government to draw a line and prevent an undue influx of the natives into this district ; but I think the distinction drawn by the term aborigines, is needless, and raises an imaginary difficulty. It is not appreciated nor understood by the natives themselves, with whom any territorial limit is barely recognised. Such a distinction does not appear in the amnesty granted by His Excellency General Cathcart, who offers a free pardon to all Tambookies, and only draws a line between rebels and British subjects ; and states that even they are to be "entitled to the same protection of the laws as all other of Her Majesty's subjects."

I consider that Her Majesty's sovereignty extends to all the kindred tribes of South Africa, up to the Portuguese settlements at Delagoa Bay ; and from thence to the 25th degree of south latitude ; and that supremacy to be founded on the sacred obligation of general protection, as far as possible ; but I do not consider that it involves a right to appropriate, or alienate, the land or property of these tribes, without a real

consideration for their ultimate benefit, and an ample reservation equal to their requirements.

I recognise that principle in the assignment of Native Locations in this district; which, also, by direct taxation, involves the obligation of Government in detail, and direct protection of person and property. Upon this head, Pagade has more than once asked me to explain, why the Government collected no tax from Panda—speaking of it as a species of injustice towards himself—because he and others consider Panda as an illegitimate chief set up by white men, and wonders why he is not made directly subject to British jurisdiction. I certainly think that all natives paying the tax have a right to be placed on an equal footing, and that no distinction should be drawn, as implied by the term *aborigines*.

#### CREED, CUSTOMS, LAWS, &c.

I do not think that any permanent civilisation can obtain with these people, or any other, unless it be based upon religion, to the extent, at least, of a belief in a future state, and the attributes of the Deity. I mean, by civilisation, the capacity, or ability, to estimate the relative duties and obligations of individuals to one another, in every condition of life, as well as to the state.

Certainly, the very slightest trace of creed can be found among the Ama-Zulu; but the want of any lasting impression made on them by religious teachers, I attribute to the incessant state of doubt and uncertainty, in which they have been kept, not only as to their local position, but the very means of existence; also to the injudicious attempts frequently made to promote what is called civilisation, by mere external forms and observances.

Casuists are not wanting among them, capable of considerable mental development; but the real conversion of these people must depend on a more quiet and protected state than they have hitherto enjoyed.

I find among them many moral qualities. I find great respect for their chiefs and elders; and, therefore, I infer, to constituted authority. There is, also, an absence of rude or brutal behaviour, and, therefore, a deference to each other in manners. Neither have they any kind of debasing idolatry, nor superstitious rites, such as is usually found among the tribes of Western Africa. I have hardly ever been met by an untruth, and they punctually perform their engagements, when they have previously understood them, and have not been intentionally deceived or entrapped. What is called the absence of gratitude arises from their general equality of means and condition, and consequent inability to confer benefits on each other. Any claims on their gratitude are at present very equivocal.

Their thankfulness is often exaggerated, and their hospitality and liberality to each other, general, for with them a sordid and grasping character is considered almost criminal.

There must be great mental obliquity in any person who can deny their general honesty, or they would not be trusted as domestic servants to an extent that is not often practised in civilised commu-

nities. To designate these people as "unreclaimable savages," is the libel and pretext of those who seek to rob them of their birth-right as human beings; and expect to obtain from them, in return, the qualities of gratitude, respect, and attachment,—upon compulsory terms.

A general type of the customs and laws of the Ama-zulu, and kindred tribes, may be found in the early history of the Hebrews, until they became a nation under a settled monarchy.

The great curse of all these people, certainly arises from polygamy, and I think that custom can be traced to the necessity of obtaining *protection* for the females at an early age, in a social state which affords so little guarantee for personal security; and thus avoid a condition which would be far worse, and tend to destroy all government whatever.

Marriage becomes legal by mutual consent, as well as by that of immediate relatives and of the chief—by publicity; and the payment of a pledge or security in cattle by the husband. I do not consider that the wife is the purchased slave of the husband on that account. The custom is, in every feature, similar to that detailed in the Book of Ruth. A woman would neither consider herself, nor would she be considered, a legitimate wife, unless an amount of cattle had been paid. It is a principle with them (although not adhered to in this district), that neither their females nor their cattle should pass out of the tribe; for, in fact, that would tend to its ultimate dissolution.

The circulation of the cattle, by the medium of marriage, is, therefore, constant; but it is frequently merely nominal: thus, if A and B have each a sister, they may become wives reciprocally, and the payment of cattle, in such a case, would be a mere form. The English law, which allows a father to recover pecuniary damages, under the fiction of losing his daughter's service, might be equally quoted, as, perhaps, a heathen law, involving the principle of slavery, or something worse—when, in point of fact, it is intended to protect the female.

If a man has accumulated cattle, and refuses to take an additional wife, he is expected to endow his son, or brother, or nearest relative, for that purpose. Otherwise he becomes obnoxious, and the chief would interfere. When a husband dies, the brother is bound to take the widow, and, if he refuse, the nearest relative takes his place, and so on.

The principle is obvious—never to leave a single, or unprotected, female.

It is somewhat different with a young man, for if he have no sister, or his father or brother are unable to find him cattle, he remains without a wife, unless he obtain cattle by service, in herding the cattle of another kraal, as Jacob did with Laban. The service, however, implies no inferiority, and hence the mortification perhaps frequently felt in a white man's service.

The amount of cattle does not compel the female to accept a husband whom she may dislike. The instances cited to the contrary are as rare, I believe, as in civilised life. The mother of the girl has much more influence in the matter than the father, and the women, and public opinion, would generally prevent a forced marriage. As to the work performed by wives, it is not generally so laborious, nor so continuous, as that frequently performed by females in the rural districts of Europe, or even England, and they can easily regulate it themselves, as the women are generally in a majority. They have, moreover, a personal interest in it, as the surplus product, if any, is their own; which they can barter for cattle for their sons, or for dress and ornament for themselves.

But the real curse of polygamy appears in this direction—that the interest of the children is divided, and frequently opposed, even in the same family. A son cannot have the same feeling towards his father that he has towards his mother, and thus the father soon loses all control over him at an early age. If the son have a sister, he soon learns that through her he will eventually obtain a wife; and his mother takes care to support him, for she also looks to him for protection and support in her old age, rather than to her husband. The wives have generally a divided interest from similar causes, but if they combine the husband is almost at their mercy. A boy would consider himself independent of his father, under such circumstances, at about twelve years of age, or even younger.

Strictly speaking, I think that majority is considered to take place in either sex at the time of marriage. The consent of the chief must be obtained by the young man, and which he frequently withholds as long as possible.

Divorce occurs from inability of the husband to maintain his wife, and by constant ill-treatment by him, or by his other wives. She returns to her father's kraal, and, if she persist in remaining there, and can show the chief good cause, a part only of the cattle paid by the husband is returned, according to his decision. Until the cattle is repaid, the husband retains the children.

Adultery—elsewhere than in this district—would, I am told, be punishable by death, but here, of course, it would occasion a divorce and re-payment of cattle. If a fine were accepted, the woman would be treated as a drudge, and with the utmost contumely by the other wives. Adultery is of very rare occurrence.

I would earnestly deprecate any interference by Government with polygamy, because I think it would produce confusion in relationship and property, and a far worse state for the women than polygamy. I think that, as soon as the people find a real protection in their general government, the evil will cure itself, and the women emancipate themselves. Until they feel a religious, or, at least, a moral tie in marriage, to prohibit polygamy by law would have no efficacy, and only create a state of concubinage, or still worse. The hut tax is virtually a tax upon the wives, and is already very sensibly felt as a

check to polygamy. The men really derive no ultimate benefit from the labor of the wives, which is either consumed by themselves, or bestowed on their children. I think the graduated scale proposed would fall heavily on the women, and would be very difficult, if not incapable of application in detail. I have known the obligation of taking another wife, under particular circumstances, deplored by the man.

#### CRIME.

The suppositious crime of witchcraft, which is generally supposed to be charged under the term "Umtagati," I think is a misnomer. The European idea involved in the charge of witchcraft, two hundred years ago, is not the crime supposed by the Amazulu—whatever it may be with the Frontier Kafirs, who may have derived some additional superstition from the Western tribes, founded on charms, incantations, &c. Nothing of that kind, nor any species of conjuration, is practised by these tribes. I have always found, in cases brought before me, that the charge of "umtagati" invariably *supposed* the crime of poisoning; but the means supposed to be employed in administering that poison, were often so absurd, as to prove that it is really very seldom used. And this is corroborated by the general belief, that no sickness or disease can arise from natural causes. I have never, indeed, been able to learn where the poison was obtained, nor could any one give me a rational description of it. But to dismiss a charge of "umtagati," merely because it was supposed to be a charge of witchcraft (which is no crime at all), would, in my opinion, be very erroneous. The Ama-zulu have no secondary crimes, and, therefore, they have no secondary punishments.

To take no cognisance of these charges, which frequently involve a variety of petty offences, which they have no idea of punishing in detail, would be to nullify their whole criminal code, as, of course, the punishment of death, in any such case, is utterly abrogated.

Murder is very rare, as well as personal assault, and petty theft among themselves impossible, with people who possess no property but cattle, and what they can carry in their hands. I never knew a case in my own jurisdiction. The punishments are either fines or death. Of course the powers of the chiefs to inflict death are abrogated. I never knew, nor heard of a chief inflicting corporeal punishment, neither do I believe it, because it is repugnant to their habits and customs. They possess no property but cattle, and according to their tribal formation, even that is not strictly personal. It rather seems to be considered in the light of an entailed estate, which the owner can only enjoy, but cannot dispose of, except in a certain way, and with the consent of the chief and tribe; of course this principle is becoming modified, but all their civil suits have reference to this property.

## LOCATIONS.

I see that the superficial extent of the Pafana Location is stated at 450,000 acres; but it would be extremely fallacious to found, upon that basis, any estimate of its capability to subsist a population—either by agriculture or grazing. The tract is generally from 500 to 1,000 feet below the level of the adjacent country, and a great portion of it is as worthless as the sands of Arabia.

I have satisfied myself that not more than about 2,000 acres of the whole extent ever has been, nor, humanly speaking, ever could be available for the cultivation of the two native grain crops, and that it is unsuitable for the growth of any other—not only from the want of soil, properly so called, but from climate, and want of the means of irrigation. A few hundred acres might be brought under cultivation, in the bends of the Pafana, by the construction of sluits, but only at a considerable expense. The character of the pasture is also different from that of the upper country. The small native cattle could not subsist in the winter months, were they not used to browse the thorny bush, like goats. I do not think it possible to subsist the larger cattle all the year round, in this sort of country.

In very few cases can a patch of soil for cultivation be found of more than five acres contiguous extent. Many small kraals are so placed that they cannot cultivate at all, for want of soil, but subsist by the barter of their goats for grain, with others who are better placed.

From repeated observations, I have found the average extent of cultivation in the Pafana Location to be three-quarters of an acre per hut—or married female. That would give about 1,300 acres in all. The greater part even of this soil is so light and superficial as not to exceed three inches in depth, and can only be used alternate years, by means of an intermediate fallow. The use of manure would partially remedy this, but the use of the plough is hardly available, for the reason stated, and because it would be difficult to find a level tract sufficiently free from rock or stone, where it could be worked.

Unless a European population is prepared to live as Kafirs do, and accustom themselves to an unsuitable climate, I think this kind of country wholly unfit for their occupation.

I judge that other Native Locations are of a similar character, and that, if abandoned by the natives, they would remain uncultivated wastes, except for occasional change of pasture, and even that would be prevented by their becoming again the haunt of wild beasts, which the present population barely keep under.

It is only by incessant change of pasture, and lending their cattle round to each other, that the natives can keep up their stock.

A partial drought always reduces them to great straits, and this was the case, to some extent, in 1850. The crop of more than half the tribe of Somahashe, inhabiting a wretched tract, almost wholly



failed, many of their cattle died, and they were compelled to barter their goats and cattle for grain, with those who were better placed. At the same time, twenty kraals of Debenyeka's tribe removed from their vicinity, to the Zwart Kop and Umvoti, for the very same reason.

The value attached to a few rods of land capable of cultivation—the disputes arising therefrom—the reluctance with which the natives remove from the adjacent farms—and a variety of other reasons, in addition to personal observation of its various resources, enable me to judge that the limit of ability, to subsist its present population, is already reached in the Pafana Location.

#### LOCATION SYSTEM.

To any person familiar with the general characteristics of South Africa, it must be manifest, that an estimate formed of its physical capabilities, founded upon any arbitrary extent in acres, or any admeasurement whatever, must convey to a stranger, or European, a very erroneous impression. As applied to a Native Location, such a theory will be even more delusive than the 20-acre allotments offered to English emigrants.

I am very well assured that of the whole superficial extent of the district of Natal not more (and I believe much less) than 3 per cent. is capable of agriculture, under any possible condition. I mean that 97 in every 100 acres, at least, consists of a very coarse pasture, or else mere waste; and that the alluvial land, or, in fact, soil capable of raising a grain crop, or any other, does not amount to 3 in every 100 acres, with the indispensable condition of sufficient water for irrigation. In the Pafana Location, the soil does not amount to 1 per cent.

The extent of this Location is defined by natural characteristics, and I conceive that the definition of others rests on a similar basis, which can neither be reduced nor qualified by arbitrary limits or conditions.

I consider the plea for forming lesser detached Locations, say of 10,000 acres, as tantamount to spreading the native population over a much larger area of country, and very inconsistent with any proposition founded on feelings of supposed insecurity.

In order to carry out such a system, each detached Location of 10,000 acres must, at least, contain what is indispensable to a farm of 6,000 or 8,000 acres, viz., alluvial soil, water, and wood for fuel.

I doubt whether these conditions can be complied with to the extent required.

I will take, as a very favorable instance, the town lands of the Umvoti. They amount to 12,000 acres, of which not exceeding 300 have been found capable of irrigation and cultivation; the rest is pasture, with a very inadequate supply of wood. To suppose that this site could support a population of 300 souls would certainly be its extreme limit, and there are not many sites in the district equal to this township. It would not be impossible to point

out sections of 50,000 acres, with hardly any of the conditions implied.

Locations of 10,000 acres, at 3 per cent., would only subsist, then, about 200 souls.

If the native population do not exceed 75,000, it would still require 375 Locations, on this detached system, of 10,000 acres each, to subsist them;—in all, 3,750,000 acres, or nearly double the extent of the present Locations. But, in point of fact, the immediate country of such Locations would remain mere pasture, or be almost uninhabitable.

Of course such a plan could hardly suppose the appointment of 375 Magistrates.

I think the plan, only less impracticable, of locating some definite number, such as 3,000 natives, upon a definite tract of 60,000 acres. This number may be more or less than a tribe, and the tract may contain but few of the necessary conditions.

If we compare the Pafana Location with the surrounding country, we find a tract of very superior character immediately contiguous to it, and of about the same extent. It is cut out into about 45 farms, with intervening pasture. If each of these farms were occupied by one family, there would be a white population of about 225, paying a quit-rent of £180; whilst the Pafana Location, the refuse of the whole country, supports 6,000, paying the Government about £800.

#### LOCATION SYSTEM—MAGISTRACY.

I think the general plan proposed in 1846, and approved of by Government, was judicious, but has partially failed on two accounts.

1st. Because the Local Government was not prepared to carry it out at once, and the sudden influx of a white population rendered the question more complicated.

*(For continuation of Mr. Peppercorne's Evidence see part 4th.)*

---

#### ERRATA TO PART III.

In the Evidence of D. C. TOOHEY, Esq.

29th page, 21st line, for "since they found," read "since they *had* found."

31st page, 24th line, for "fidelity of" read "fidelity *to* the Government,"

31st page, 34th line, for "paid to" read "paid *for* the second wife."

---

**PROCEEDINGS**  
**OF THE**  
**C O M M I S S I O N**

**APPOINTED TO INQUIRE INTO**  
**THE PAST AND PRESENT STATE OF THE KAFIRS**  
**IN THE DISTRICT OF NATAL, AND**  
**TO REPORT UPON**  
**THEIR FUTURE GOVERNMENT, AND TO SUGGEST SUCH**  
**ARRANGEMENTS AS WILL TEND TO SECURE THE PEACE**  
**AND WELFARE OF THE DISTRICT,**  
**FOR THE INFORMATION OF**  
**HIS HONOR THE LIEUTENANT GOVERNOR.**

---

**PART IV.**

---

**NATAL:**  
**PRINTED AND PUBLISHED BY J. ARCHBELL AND SON, AT THE**  
**OFFICE OF THE "NATAL INDEPENDENT," AND "NATAL**  
**GOVERNMENT GAZETTE," PIETERMARITZBURG.**

1853.

*[Price One Shilling and Sixpence.]*



## PART IV.

*(Mr. Peppercorne's evidence continued from the 3rd Part.)*

2nd. By the appointment of what have been called Kafir Magistrates. I think that the conditions supposed by these appointments did not really exist even in 1846; that is to say—the necessity of maintaining a separate jurisdiction in the Locations. The Kafir Magistrate was to have been strictly limited to the administration of native law. There can be no mistake, I think, on that head; but the relations of the natives with the white colonists had already become too much intermixed to admit of such exclusive jurisdiction. That led to contradictory instructions, which soon placed the native Magistrate in a false position—one, in fact, from which I felt compelled to free myself. The office, as originally intended, could only be satisfactorily carried out, with native tribes much more remotely detached from a white population. By juxtaposition, the native magistracy in this district became a sort of *imperium in imperio*, which could not be adjusted.

But these objections I do not consider apply to the Locations themselves in a territorial sense—nature itself has indicated their site and extent, and I think they meet the intention of Government, in that respect in every particular. But they should have been made complete before this by an unbroken or definite boundary, as any other estate or farm. I now consider that, with respect to Government, the Resident Magistrate duly appointed for a division, is the only legitimate organ, and that his jurisdiction should embrace the Locations and tribes of his division; but I think that he should be cognizant of native laws, and bound to administer them, as between natives, according to the native Ordinance.

I think that the appointment of any intermediate officer, under the name of Kafir Magistrate, or even as Assistant Magistrate, to be inexpedient, because there is no legal basis for such an office. If

made subordinate to the Resident Magistrate, it is not the office intended, nor would it be legal, because his responsibility could not be ascertained ; and if made a separate jurisdiction, that, in point of fact, would constitute another Resident Magistrate.

I think that the real hereditary chief of a tribe, should be the subordinate officer of the Resident Magistrate, so far as relates to the natives ; but that the latter should only adjudicate an appeal from such chiefs, or in cases of dispute between natives of different tribes. I think that any case affecting the chief personally, should be referred directly to the Diplomatic Agent.

I think that such appointments should be restricted to hereditary chiefs by birth, at least in the first instance, and that they should not be superseded during life, because the natives will, for a long time, consider the tie of blood as stronger than any other. I think that such chiefs should receive a regular fixed salary, in lieu of all fines, fees, or gifts, payable to them, which should revert to the Government. A small allowance, also, should be made for native constables, or indunas.

I think that in the court of every Resident Magistrate, the Clerk of the Peace, or some other proper officer, should be appointed to represent the native solely, in all mixed cases as between black and white. That it shall be his sole duty to act for the native, either as plaintiff or defendant, and that he should either receive a fixed salary, or a general retainer for each location and tribe, to be paid by Government out of the native tax. At present the natives in any court, has neither counsel, adviser, nor defender, and is at the mercy of what may be erroneous interpretation. I think the natives should be exempt from all fees in advance, otherwise the law in effect will be denied them.

I do not think there is any other legal mode of carrying out the benevolent intentions of Her Majesty's Government, by the provisions of the native ordinance, No. 3, 1849. It is very probable that, in the course of the present generation, the necessity for that Ordinance will cease, but for that time, at least, it behoves the Local Government to see that its provisions are strictly adhered to. The tribal affinities of these people will soon begin to disappear, if they are not worried by injudicious interference, and allowed and encouraged to become small landed proprietors, of the value of which they have at present no notion.

#### LABOR.

I do not hesitate to question the fact of there being any real difficulty in obtaining native labor, except in individual cases, arising from individual causes. I believe that any amount of native labor, may be procured at 5s. per month, by rational treatment of the native. But I very much question the ability of the white population to employ, profitably to themselves, an amount of native labor, commensurate with the annual value of even one-fourth of the native tax : say to the extent of £2000 per annum.

There are not, I believe, 1,500 white families in this district, and of them a large proportion came to this colony *to seek labour for themselves*. The complaints of want of labour by a small sectum of colonists, is met and contradicted by the fact, that at the present moment, numbers of English emigrants are about to leave, and are leaving, the district, from inability to find work for themselves, not from inability to procure Kafir labor, for which they could have no possible use. Most assuredly, if the natives could earn the whole amount of their tax in money wages, they would do so, rather than part with their cattle—their only other alternative. Few gentlemen acquainted with the native character would deny that. It would be time enough to consider the question of labor, when the natives are enabled to pay the whole amount of their tax, say £9,000, in money wages. I have furnished the government with quite sufficient evidence, in my official capacity, on that head.

I think that it can never become the duty of government to interfere, either directly or indirectly, with the free disposal of native labor; otherwise a distinction is immediately drawn repugnant to law. The indirect means to control or compel labor in any shape, or in whatever language disguised, I look upon as equally pernicious.

The ease with which natives are stated to obtain their subsistence, is egregiously exaggerated; but if it were true, the proposition for a reduction of their Locations, for the purpose of reducing their subsistence, I will not characterise—but merely state that it would not produce the effect desired; because the subsistence of a native family cannot be replaced by wages, and it is absurd to suppose that the white colonist can ever raise the simple food of these people, as cheaply as they can do it themselves, and pay them wages also.

In my opinion the result of any attempt in this direction, will be vagrancy, theft, violence, and increase of the expenses of government, and the total extinction of the tax.

The natives of South Africa are, I consider, of a higher class, in some respects, than those of British America, who neither possess cattle, cultivate land, nor pay any tax. On the contrary, the English government bestow upon them an annual bounty, as some compensation for their loss of subsistence, by the annual encroachment on their hunting grounds, and the decrease of their produce. The British government have never interfered with them, though they are still estimated at near a million beyond Lake Huron. Those within that boundary were assigned Location villages in various directions, but nothing could induce them to engage in any regular labor. This is not the case with the rising generation, born and bred within the pale of civilised life. They freely mix in the labor market, and have become a useful and respectable class of people.

The Kafirs can scarcely be termed a nomadic race, in the sense

Kafir is confined to narrow limits. The nature of their country must, nevertheless, always make them herds or shepherds, for the same reason that Salisbury plains, the marshes, and the South Downs, constitute a class of graziers and sheep farmers in England. Agriculture in South Africa, must always be subordinate to grazing of Asiatic or Arab tribes, who do not cultivate at all, but are compelled to seek pasture over a wide extent of country, whilst the by every class, whether Kafir or Boer.

I think it would be very difficult to contemplate any kind of product of labor, except skilled labor, which does not involve that of the Kafir in this district. On a farm he does almost everything. He herds the cattle, milks the cows, churns the butter, loads it on the wagon, the oxen of which he inspan, and leads. He cuts wood, and thatch, he digs sluits, and makes bricks, and reaps the harvest; and, in the house, invariably cooks. There is little that I ever see a farmer do, but ride about the country. In the town, there are some familiar cases in which Kafir labor is employed to a ridiculous extent: for in what quarter of the globe would male adults be found performing the offices of nurses to infants and children, or as laundresses of female apparel. These docile achievements are certainly not very congruous with their own manly habits, nor compatible with the character given them of blood-thirsty savages. The sole stimulus for these peaceful arts, is their anxiety to obtain wages to pay for their father and mother's kraal, and save their cattle.

I think that the land owners of this settlement, are neither in a condition to employ English, nor any very large amount of Kafir labor, for money wages, although they may be desirous of employing them *without* wages. The profitable employment of labor for wages, pre-supposes a surplus product, in some shape, convertible into capital. Until that arises in a new country, every one must work on his account. At present cattle is the only natural staple in the district, and this affords very little opening for the employment of labor, and still less for the investment of adventurous capital. Even the value of land, in its present fluctuating state, can hardly be estimated, whilst a reflux of emigrants is leaving Natal.

Doubtless, a wider occupation of the District by natives would greatly tend to raise the fixed value of land; and, therefore, should be discouraged, for if cattle be the only surplus product that the country can raise, the more of it the better. When the Kafir's cattle is absorbed, every tie to the country will be dissolved, and their occupation gone. A monopoly in cattle with them will ensue, which is not likely to be of any particular advantage to the District. If the natives were withdrawn, or totally extinct, there is but little scope, at present, for skilled English labor. But if it were possible to transport the Kafirs, at the present moment, to South Australia, their value as herds and shepherds would be fully and



duly estimated. The Kafirs, properly considered, and duly treated, form the only real peasantry of South Africa, and which, "when once destroyed, can never be supplied."

The reasons assigned for reducing the native Locations, or breaking up their population, on the grounds of supposed danger from their numbers, I cannot participate in. For it seems to me that they are more interested in the peace and security of the District, than even a majority of the white population. The latter can, at least, remove to a more profitable field for their labor, or return from whence they came; but the native knows no other country "'Tis the land of his birth," and he is almost tied to its soil. He offers, in his wife and children, the best pledge to government for peaceable conduct; for he cannot put them into his wagon, and trek, though the government should never grant him a legal title to a small portion of the land of his birth, as a local habitation.

It would be difficult, indeed, to find, in Europe, a more peaceable or well disposed peasantry, considering their numbers, than the native population of Natal. I see instances quoted to the contrary, which, to my knowledge, are either spurious or perverse exaggerations. I shall not hesitate, then, to say that it would be a breach of faith of the most flagrant character, either to remove the natives from their present Locations, *without* their consent, or to reduce them in extent. Their title to them is as good, at least, as that of any colonist to his farm, even had it been less accurately stated in the terms quoted by the Rev. J. Davis. That title cannot be commuted without a full and just equivalent elsewhere, and, in this respect, I consider them as minors, and the British Government as their trustees, an obligation which cannot be put aside.

The proposition for removing them beyond the Umcomas, seems chiefly based upon a supposed state of insecurity from their numbers by the Boers or farmers. Why that feeling of distrust and suspicion should exist, I will not attempt to fathom, but I must observe that it is rather inconsistent, with the openly avowed demand for their labor, to be allotted to them by Government.

That these unfortunate natives may be driven to desperation by incessant persecution and oppression, would be merely true of every class of human beings. If, then, the Local Government cannot afford protection, not merely in word but deed, it does become a subject for consideration, whether the probabilities arising from these incessant provocations, may not be reduced by opening an outlet for the redundant population in the direction pointed out by the Diplomatic Agent.

If his proposition could be carefully carried out, upon the principle of a fair equivalent, to a certain extent, I do not think it would be objected to by the natives; bearing in mind, however, "that nothing tends sooner to create strife and stir up jealousies than

crowding natives together." Undoubtedly I think that they have the option of refusal.

Such an arrangement necessarily implies a separate and modified government of this portion of the population; it also implies a modification of the tax, for a people have no right to be taxed for the support of a Local Government which places them beyond the pale of its protection.

This, however, is not exactly the proposal made, which is to remove the *total* native population beyond the Umkomas; and this measure seems to suppose a combination of military precautions, which, if carried out to their full extent, would be tantamount to supposing this settlement to be placed on the constant footing of war, or a state of siege, which certainly was never contemplated by Her Majesty's Government. I cannot but think that, if such force were necessary, it would be injudicious to attempt the plan at all.

Instead of increasing the military force, it was expected, even in 1846, that it might have been reduced, and at least partially replaced by a native force, of an analagous character to that employed in India, with such perfect success, for so many years. And if the proposal had been merely a native question, I think it might have been effected long ago. But the employment of a native force in India is accompanied by the rule of an enlightened and benevolent government over a population where no vestige of slavery is permitted.

I do not suppose that the small force of native police was ever intended to embody the foregoing principle here, because the raising and maintaining, by regular fixed pay, an enrolled native force by regimental discipline, would eventually cost almost as much as an European force, and must always be far less efficient.

In my opinion, a native force in this country should be nearly self-subsisting. The tribes and the chiefs would naturally form its basis. All that would be required would be the enrolment of the able-bodied men, and the regular pay of the chief and a few subordinates; also occasional muster, and some very simple form of drill, without fire-arms, for which a substitute might be found. Out of such an organization a more permanent body might, at any time, be selected and armed.

I am certainly ignorant why the original intention of Her Majesty's Government has never been attempted to be carried out, as I think that the ready and inexpensive means for effecting it have always existed; and I consider the principle applicable to all Kafir tribes, even to those of Kaffraria, and notwithstanding the recent outbreak on the old frontier, which would never have occurred had such an organization pre-existed.

With reference to a native force, and under the impression that the able-bodied natives were far more numerous than I afterwards found them, I suggested, some eighteen months since to Lieutenant Governor Pine, the practicability of drafting Kafir recruits for the

Indian army, considering that there were circumstances in which the employment of a race, totally distinct in features and language, might be desirable in India, and that, with judicious arrangements, Kafirs would volunteer for the service. Mr. Pine, however, did not entertain the suggestion, but I think it still worthy of consideration.

#### TAX.

I presume that the tax was imposed upon the natives of this district for the purposes of Local Government, and the joint benefit of the whole community, according to the means of each individual. I cannot suppose that Her Majesty's Government ever contemplated the imposing a tax for the mere purpose of controuling or compelling the servitude of one class of subjects by another. Neither could such a principle ever be effectual. That it tends to stimulate legitimate labour, so long as it is inoppressive, I have little doubt, but whenever that limit is passed, it produces the very reverse.

To relieve one portion of the native population at the expense of the other, for the purpose of creating an artificial amount of labour, and to limit to one class only the necessity of paying wages, would be unjust in principle, and the effect intended would not be obtained. I think the tax upon the hut to be the fairest means that can be devised in the present circumstances of the natives. It has a direct tendency to prevent polygamy, and when their habits alter, it can easily be converted into a land-tax or rent. The strong inducement to the young natives to enter service is to obtain the means of paying the tax for the kraal of their family. If a portion, then, of the natives are relieved of the tax, one strong motive for labour would cease, and the means of paying the tax would also very soon diminish, and at last vest solely in their cattle.

In order to ascertain approximately what the amount of cattle really was in the Pafana Location, I made a series of notes from time to time, as opportunity occurred, of that possessed by different sized kraals.

I found that the size of the kraal was ruled chiefly by the amount of soil in its vicinity capable of cultivation, but, in some cases, also by the amount of cattle. The kraals of the Pafana Location range from two huts up to thirty, for these reasons; and I found that the average of the whole gave about six huts per kraal. Those of two or three huts only seldom possessed cattle.

By taking the number of cattle in kraals of various sizes, at different times, I found that the average amount per kraal of six huts was twelve head of cattle nearly.

I therefore estimate the amount of cattle possessed by these tribes at 5,000, which is about two head of cattle per adult population.

My valuation of the tax cattle, of all sizes, in the present year, I find realized 17s. per head. If the tax had been wholly paid in cattle, therefore, it would have taken from them, in round numbers, nearly 1,000 head, which is about twenty per cent. of their capital

stock, and which I have found, from constant observation, fully equals the natural annual increase of cattle in this country, allowing for casualties.

It follows, therefore, that the entire annual increase of the only property possessed by these people would be consumed by the tax, were it not partially met; and I am afraid, in the current year, will be very partially met by the wages of labour.

There is no surplus produce from grain in the Pafana Location, upon an average of a term of five years; and if there were, its distance from a market renders it unsaleable. This does not apply to the Locations near the two towns; but grain should never enter into a fiscal estimate, for it is the mere food of the people.

A tax of one-fifth of the income, or annual product, of a civilized population, has been usually considered to represent a mild and moderate government. One-fourth becomes oppressive, but when the tax amounts to one-third of its annual subsistence, it has been supposed, by some politicians, to amount to a justification of resistance to the government by the people.

It seems very probable, then, that the tax on the population of the Pafana Location may amount to more than one-half their income; and when money wages diminish and almost cease, of which there is every prospect, the tax will consume the whole amount of their income.

I cannot at all agree that the stock of cattle of the Pafana Location has increased, but, I am afraid, most seriously diminished for two years past, and I think most probably elsewhere; and that any increase in the tax of the natives, founded on such a supposition, will be most oppressive. If there were any reasonable probability of an increase in the amount of money-wages likely to be paid for native labour, there would even then be little room for an increase in the native tax; but whilst the English emigrants are crowding out of the district with every ship, the probability is quite the reverse.

Instances have been quoted of individual natives having become rich, as a proof of their general prosperity. My opinion is just the reverse; because I know that the few individual Kafirs who have become so, has arisen from the shrewdness of their character, which has enabled them to become agents, or middle-men, for the mass of the population, whose loss has, therefore, made their gain.

I bear in mind the sentiment expressed by Her Majesty's Government with regard to these people, viz.—“That it is mainly for the benefit of the native inhabitants of Africa, that this colony is to be maintained;” and although I find that sentiment met by a direct denial in recent evidence, viz.—“That the inhabitants of the Sovereignty are as anxious to get rid of their black population as we are.” I cannot doubt but that the beneficent object of Her Majesty's Government will be maintained, and that it will ultimately succeed in establishing a just basis for the trade and commerce of the interior

of this large continent, at present so little known. That this object affords a better prospect for the future, in the settlement of Natal, than in its direct colonization, I have lately become strongly persuaded, seeing that its agricultural features are inferior to those of other British colonies, and far better adapted to its native population.

With the views I have expressed upon the government of natives, I will here quote a few passages from the work of Sir John Malcolm on the Government of India, page 28 :—" I can state, on the grounds of much experience, that we can only hope to reclaim ignorant, superstitious, or predatory classes of men from rude and lawless habits, by using as our instruments those by whom they are influenced or governed."

" By *vexing and disturbing* such communities with laws which they do not understand, and introducing principles of rule foreign to all their usages, we dissolve ties (which, when preserved, further out object), and excite hostility."

The first experiment made with this view of the case, seventy years ago, was in Rajmahal, a wild and hilly country of Bengal. It was undertaken by Mr. Cleveland, the civil officer then in charge of that country, and was completely successful. Before that time, these people ravaged the country far and wide, and the navigation of the Ganges was often intercepted.

The only means employed by the Civil Agent was by acting through the chiefs, to show implicit confidence in their engagements, and to settle upon them an inconsiderable monthly sum, in consideration of peaceable behaviour; to which they rigidly adhered, and thus an end was put to their predatory incursions, and marauding.

The next example quoted is that of the wild tribes of Western India—the Pindarees and Bheels of Candeish. Various efforts were made, unsuccessfully, to coerce them, for a series of years, after British occupation. A different system was then employed. The province was parcelled out into agencies, and British officers were appointed. Their instructions were few and simple, but service in a Bheel corps was offered to all who would enter it. A general registration was made, and Kowls, or protection passes, granted to every respectable individual. Constant personal communication were made between the officers, and the chiefs, and those chiefs were paid; and all, both high and low, who had any complaint to make, were heard.

Sir J. Malcolm states that these measures had the desired effect, and rendered these tribes "the protectors of that peace which they had so long disturbed;" and, he continues, "from that state there had been no relapse, but civilisation had been since gradually progressing."

Various other instances are given in Kattyawar, Goojerat, and Malwa, where the system of governing the tribes of India,

through the agency of their chiefs, was employed with perfect success.

These observations have reference to India, but, in my opinion, are perfectly applicable to Kaffraria, and all the tribes of South Africa. Sir John Malcolm remarks—"Human nature is the same in all countries," a maxim which appears to be admitted everywhere but in South Africa.

Such contingencies as the foregoing have never yet arisen among the natives of Natal. They are neither predatory hordes, nor never need become so, as long as British Government affords them the protection in their natural rights that they are entitled to. Their own internal government would, indeed, be simple and easy, were this principle unflinchingly insisted on and maintained.

When preposterous apprehensions, and false accusations, are mixed with an eager and insatiable desire to control and enforce their gratuitous labor, I think that very little further comment is needful on what is called the deficiency of Native Labor.

I have the honor to be, Sir,

Your most obedient Servant,

G. R. PEPPERCORNE.

To the Honorable the

Acting Secretary to Government, Natal.

—ooo—

*EVIDENCE OF THE REV. C. L. DOHNE.*

*Connected with the American Board of C. F. M.*

[NOTE.—I beg respectfully to consider that, being not quite familiar with the proper style of writing in English, I may have happened to express myself in an improper way, which is, by no means, my intention.—J. L. DOHNE.]

Table Mountain, 29th December, 1852.

SIR,—

I have the honor to acknowledge your letter of the 29th November, together with several documents of the Native Commission. I regret to say that they were not received until the 25th inst, consequently it is impossible for me to give that important question that full and close consideration it necessarily requires. I, therefore, must confine my reply to those points only which are most prominent in the same.

I am a native of Germany; was sent out as a missionary by the Berlin Missionary Society; arrived at the Cape of Good Hope 1836; labored eleven years among the Frontier Kafirs—Aman-  
hlabbe tribe;—and came to this colony of Natal in the year 1847.

I know there is a great number of natives in this country, whom, from what I have seen, I should estimate at 180,000 souls. I have, however, had neither time, nor the means, for making such inquiries

as to put myself in possession of a comprehensive, satisfactory, and true statistic. With some degree of certainty, I can only speak of the immediate region of my station.

I am stationed in the midst of a small tribe, or rather remnant of a tribe, the chief of which lives about one mile from me. His name is Unomsimekwane. He is an hereditary chief. His father, Umncosemi, occupied the north-western part of Inanda location—north-east of Table Mountain, along the Umgeni, down to the ramification of Hans Potgieter's hill; from thence south to south-west along the public road on this side, including all the present bushy country as far as to Mr. T. Marten's farm. After Umncosemi had been slain by Tshaka, and his tribe destroyed, the remainder dispersed partly into the Zulu country, partly toward the Amaponda, and Unomsimekwane, the only son left, to the Amangwane—Matiwane's tribe—from whence he, with a few others, afterwards returned to his father's country, building and living in two kraals, at Little Bushman's River, near Mr. Marten's, supporting themselves by hunting elephants and buffalos, &c., until he bought the first cow from Mr. Ogle, for tusks. At the same land he was living when the Dutch farmers came into the country, and only since more natives were ordered to settle in this part of the location, he had removed his kraal about eight miles lower down the same river, where he is now living. Since the white men have taken possession of the country, the remainder of his tribe has come back and surrounded him. They amount to about 20 kraals only.

I cannot close this narrow sketch without doing justice to Unomsimekwane by stating that he is a most peaceable, honest, faithful, humble, and intelligent man, though not yet a civilised or Christianised man, about forty years of age, worthy not only to be respected, but also much to be recommended to the attention of the Native Commission and the Government, for his personal character, as well as for the adjustment of his aboriginal right he has in the land he still occupies. I only mean to say that, in any future arrangement, he should be remembered. He, being himself poor in cattle, &c., has neither exercised great authority, nor seen many people come to place themselves under him as their chief—this being the way in which others have become great chiefs.

With regard to the state of the present locations, I am of opinion that the faith of the Government is pledged to the same, and that curtailing the same, or breaking them up altogether, or removing the natives to another district, &c., would be a breach of faith *in any respect*.

I am of opinion that any attempt to curtail, or to cut up, the present Locations of the natives, or to remove them from the same, would be regarded by them as a breach of faith on the part of Government, as well as the white people altogether; for the native can quite perceive that government could do so only for the convenience of white people.

I am of opinion that, in the event of any such attempt, many, that is to say, those of the natives who are peaceably minded, or most loyal, would submit to such measure of the Government, having, at present, neither a desire nor adequate means for resisting. They would, however, being once offended and suspicious, never forget to look for a favorable opportunity of revenge. Perhaps of others, many would try to resist such conduct in a way which would induce the Government to use force, the result of which would be dreadful in every respect. The present safety of Natal arises from the fact that the natives being composed of, and mixed up with, remnants of numerous tribes, have no united national interest. But it may naturally be feared that if Government should use force, many, who at first were submissive, would show how little, or how much, was required to unite them.

I am of opinion that the so-called serious evil of Natal is not the large extent of the Locations, but the immense number of natives in comparison to the small white population. But they are now in the country; many of them have a proper claim and right in it; they have all been received, adopted, acknowledged, and located as British subjects. Had this not been the case, this relative evil would not, perhaps, exist at all. To resort now to remedies like curtailing, cutting up, removing, &c., in order to remove the evil, would prove the remedy to be much worse than the disease.

I am of opinion that the Government has other means at its disposal to effect a salutary change upon the natives, viz.,—such as the plan recommended by the Location Commission in 1847. I do not believe that a better plan can be formed, and though much favourable time and opportunity has passed away since, I would strongly recommend and urge the carrying out of that plan, which, in my opinion, notwithstanding, is still practicable. It is the only thing that can be done, without using force.

I am of opinion that the Locations are too large in one sense only, viz.—as regards their present inhabitancy. But, as soon as all natives, living still on non-location and private ground, were ordered to remove to the land set apart for their use, the Locations should immediately become as narrow as possible, and—according to the rapid increase in number, the absolute result of polygamy—after not more than ten years—they could not possibly contain them all.

I am of opinion that the only legal and just act for the Government, under the present circumstances—which include the future—is, or would be, to order all natives living on non-location and private ground, to remove to the fixed Locations. To such a measure the natives could not have the least objection, and would not make any, provided the object in view was *properly and clearly explained* to them. Upon this I lay great stress, for I believe that many and great things could be accomplished by it without resorting to force. I will illustrate this by an example.



At several times parties of natives, and one with their chief, happened to offer cattle for sale to me, in order to pay the hut-tax. But when I—generally not engaging in such business—refused to purchase them, they began to complain of the tax as a great injustice done to them by the Government. From this I thought it my duty to question them in the following manner :—

T.—Please tell me under whose government did you live before ?  
They.—Under Tshaka's and Panda's.

T.—Did you possess cattle under those chiefs ?

They.—Yes ; but they were not our own. Those chiefs claimed all as their own property ; even our own bodies.

T.—Were you allowed to kill any when you wished ?

They.—No ; it would have cost us our heads.

T.—Had you any money when under those chiefs ?

They.—Whence should we have got it, it being with the Government and you white people alone ?

T.—Had you any blankets ?

They.—How can you ask such a question, since all these things are with the white people alone ?

T.—Did you grow corn and mealies ?

They.—Yes.

T.—Was it your own, or had you to bring it all, or a part of it to the chief's kraal ?

They.—Our own was nothing. Whosoever became a little slow in bringing beer or food to the king's quarter was accused and killed.

T.—Did you feel comfortable under those circumstances ?

They.—How can you ask such a question ? We were constantly killed, and should be so now, if the Government had not come hither.

T.—Have you now cattle ?

They.—Yes, but not many.

T.—Where did you get them ?

They.—We worked for them, or bought them with money.

T.—Where did you get money ?

They.—We worked for it also.

T.—May you now kill and eat any of you cattle ?

They.—Yes.

T.—Do you grow corn or mealies ?

They.—Yes, we do.

T.—Is it your own, or do the white authorities claim it ?

They.—No one claims it, and it is our own.

T.—Do you live comfortable in this country now ?

They.—We live comfortable.

T.—Why is it, then, that you can live comfortable, have cattle, grow corn, &c., and eat it, and no one troubles you?

They.—It is because the authorities are protecting us?

T.—Do you not think it costs Government a great deal to keep so many soldiers here in order to secure the country and you, that Panda may not destroy you?

They.—That must cost a great deal indeed.

T.—Now, is it not, then, reasonable that you should add a little to that great expense, since it is chiefly made for you, and since you can obtain every thing here quite easily?

They.—You have beaten us; it is right what you say.

I concluded with a few remarks, that all authority is by God—that they ought not to complain, but be thankful for such interference of his providence, &c., and they went away, convinced and ashamed, to their homes.

I am of opinion that a removal of the natives from non-location ground into the fixed Locations would answer many purposes so anxiously sought for under the present circumstances. First—The Locations getting almost immediately too much crowded, many under the necessity of entering into engagements with white people more regularly and more conveniently than heretofore. Second—The thus crowded population would feel the necessity of cultivating the ground extensively, in order to supply the wants of life. Third—By this, the pasture-ground would become so small as to make it necessary for many, who are rich in cattle and live stock, to sell off a great part, lest they should lose it by starvation; at any rate, their great desire for cattle would receive a salutary check. And all these causes together would naturally, and most probably, lead them to calculate upon some other and better means for existing. Their own state of living would—if any thing without Christianity could do so would—compel them to begin to like civilisation. This self-development would, in progress of time, lead them to appreciate individual rights. They would come to the conclusion of purchasing some property for their own, And among other beneficial results, this development would render a preventative for that evil which in future must arise from the over-crowded population in these Locations.

I am of opinion that, to remove the natives altogether to one side of the district, as beyond the Umkomanzi, &c., will be found more impracticable, and give rise to more dangerous conflicts in future, than can be anticipated now, while the carrying out of the plan of the Loc. Com. 1847, would be comparatively easy.

Regarding taxation of the natives, I am of opinion that taxing a Kafir, living in the vicinity of towns, a higher rate than those living at a distance, would be unjust in principle, inasmuch as that principle arises from, or depends upon, circumstances unforeseen and accidental. For—1st. the natives (at least many of them) have not

placed themselves in such proximity; and 2, those living at a distance enjoy privileges which the others do not. This people, being not yet so far advanced as to discriminate this case, would receive a bad impression, and the natural consequence would be to compel numbers to remove from their present Locations. Thus, the effect being an evil, shows clearly the evil nature and tendency of its cause, and neither of them can be desirable. The end does not sanctify the means. Neither would a plan of that kind bring out more laborers. For, if the Government should adopt that plan, it could not possibly force those in the vicinity to stay where they are. Many would, therefore, remove to a distance, and, having less to pay, they would not feel the necessity of going for work so much as before. The equal taxation is just the cause that so many laborers at present come from a distance.

I am also of opinion, that it would be a very objectionable principle if Government were to remit the whole, or part, or exempt entirely from taxation, those who would go into service. The Government has, of course, an undoubted right to impose a tax, whenever it may be *just* and *safe*, and is also at liberty to remit it. But as for the purpose of securing a greater number of laborers, that principle would be unjust and unsafe, because it would be an *indirect* compulsion—to favor one, and oppress the other—whom, it is admitted, no one can force or compel to work. That it would be quite unsafe to attempt this, or the other plan of imposing a tax of 20s., instead of 7s., upon those who would not register themselves as willing to work, needs no pointing out. It is generally known that taxation has dissatisfied many; but an alteration of the above description would have an immediate serious effect; the more so, as those Kafirs who live in the vicinity of towns are by far more loyal subjects than those at a distance, many of whom Government does not yet know what they are. The legal step which I have pointed out above, and the carrying out of the plan of 1847, will have a far better effect, although the evil would still remain in some degree, because its real cause has not yet been shown in order to be done away with.

I am of opinion that the great and only cause of the existing evil is, the trade of females for cattle among the natives, which, when abolished, would oblige the Kafirs to send their daughters to work. Thousands would then be ready to go into service. This subject, however, deserves a clear and particular treatment, which it is impossible for me to give in such a short time. I shall try to prepare it as soon as possible.

With respect to Kafir chiefs, I am of opinion that the Government has neither the absolute right, nor sufficient reason, for abrogating or destroying *entirely* the powers of chiefs; but it has a right to modify, remodel, regulate, or improve them. And this ought to be done without hesitation; for if the power of the chiefs should grow in the same measure, or even less, than it is the fact in several in-

dividual cases, it will be utterly impossible, after a time—say twenty years—to maintain this colony, on account of the rapid increase of the population; and, perhaps, long before that the white Government will be terminated. The plan of 1847 should, therefore, be carried into effect.

If it was a fact—as from the report of the Local Commissioner, 1847, I believe it was—that the power of chiefs was at an end, I am of opinion that the difficulty of diminishing or regulating the present power of chiefs would not be so great as is supposed to be, because the Government had only to do away with what it has permitted to come into existence. (This is no analogous case, neither to that of breaking the faith in respect to the Locations, nor to that of the Frontier, of Sandili.) Sufficient land for living and protection, the Government was obliged to give to these natives; but not to bestow privileges upon them. The exercise of authority must be regarded as a privilege which a Government has a right to cancel whenever it sees it is expedient or necessary to do so. The chiefs should be told this plainly, and I do not think that one reasonable man could be dissatisfied, especially when demonstrated to him that their authority is not to be destroyed, but, in a proper manner, regulated. If the plan of 1847 were to be carried out, it does not appear necessary at all to tell the chiefs anything of diminishing or defining their power. A simple, clear, and sufficient explanation of the necessity the Government finds now to alter, or, rather, to improve its government of the natives, should be all that was required.

It is, also, a fact that, under a great chief, many petty chiefs, or great men, are living, who came either for protection, or what is more frequently the case, from an intention of receiving favors from the superior. Thus a certain leaving one, and joining himself to another chief, or great man, is continually going on; and I would suggest that this should be so regulated as to acknowledge the right of chiefs, and their claim upon authority, according to the degree of personal standing. This would be a just and fair dealing; it would restore to some their proper right and standing, and diminish the power of others who, under British Government, ought not to be allowed to have others in submission.

With regard to the continuing influx of refugees from Panda's country into the colony, I am of opinion that it is inconsistent with the British Government, to resist or prevent the same entirely or partly. It is a necessary evil which cannot possibly be avoided, as long as the Government exists in proximity, with such a cruel tyranny as that of the Zulus. The British Government is known to act on such noble principle. Let every one place himself in the circumstances of those oppressed subjects of the Zulu, and then let him answer how he should like the question to be decided. At a recent journey along the Tugela, through the Amaponda tribe, I was with certainty told that at the same time that I was there, several parties had gone into the Zulu country in order to get out their friends, who

had been preparing for that purpose. I was, also, told that, in all probability, after five years, all those oppressed subjects of Panda, that live in the "emapanhleni" *i. e.*, out places—or places which are not much regarded—shall have quitted the Zulu country from that same cause. Preparations are continually made for that end.

Moreover, as it, humanely speaking, is at once impossible—or, at least, would require a great power, and an immense expense on the part of the British Government to effect an amelioration of that tyrannical Zulu government, there is no alternative left but to bring all refugees under the strict rule of Government. It shall, also, be found to be no great difficulty to those refugees, if required to reside south-west of the Umcomanzi. They will be glad to settle there.

Much has been said of the influence of missionaries. It was thought the missionaries had such an influence over the natives as but to command, and everything would be readily done. Thus many white people applied to Missionaries for laborers, and upon telling them we had no such power over the natives—that we ourselves even were in distress for servants, they pronounced us either as unwilling to help them, or as tampering with the natives, or as useless agents who failed in their labor, &c. But scarcely one would do himself the justice to come to our stations in order to be informed under what disadvantages we ourselves were laboring. Therefore, that remnants in part of old habits of the natives, remaining evils which, as history shows, cannot be rooted out in the first, nor in the second generation, perhaps have been exaggerated, whilst the real good effected in respect to Christianization and civilization has been frequently so undervalued and stigmatised, that many of the better people even have been tempted to think the natives would do better without missionaries. But what their real state would have been some time ago, or what it would be to-day, if no Missionaries had been among them, those only can be competent judges of those who, in their own hearts, have truly experienced the power of the Gospel, to lay the strongest restraints to the propensities of sinful nature of man.

I am not of opinion to draw public attention to a statement of great numbers, neither will I extol methods, systems, plans, nor praise Missionaries, since all praise is due to our only master, Jesus Christ; but I would avail myself of this occasion to confess that the gospel of the ever blessed God is the only power unto salvation—*i. e.*, to save soul and body from the dreadful evil of sin and all its consequences; to restore the sinner by enlightening, renewing, and rectifying his spiritual powers, sanctifying the whole man, and to him the use, also, of all good things. Upon this ground I firmly believe that all calculations, plans, systems, and modes, emanating from philosophy and reason, are in themselves insufficient to raise a people or nation from its barbarism; and I would strongly recommend to give them no more but their subservient place in the civili-

zation of man. History of all ages confirms this more than satisfactorily, but especially that of the mission labours of this century. Let the cannibals and idolators of Borneo and other South Sea islands, tell which power it was that laid a restraint to their savage customs, and made them Christians and civilized men? Who could say what the Cape colony would be if all Hottentots, and other original tribes, had been left without the gospel and without Missionaries, and had only been civilized or intellectually raised after some plan or system? Civilized heathen, without true—i. e., Christian religion—have ever been a curse upon earth, and anon these natives will become to the white population of this country in case that the great remedy—the influence of the gospel—be not properly tried and generally applied. That which we hear from the present seat of war on the frontier is the same we see and experience here in Natal, on a smaller scale, with those few Kafirs who have, in some degree, been civilized, but not truly Christianized. It seems that that knowledge, and the habits they have acquired, have only qualified them to prosecute the more efficiently the wicked propositions of their hearts.

If the Missionaries had been better assisted in their enterprise by the authorities, as well as by the inhabitants of this colony, no doubt matters would stand otherwise. But that which 6,000 white people are not able to do, twelve to twenty Missionaries are required to create! None but we Missionaries know better, or how difficult and discouraging our labour is among these natives. Yet we do not despair: for we know also whose work it is that we do, and He will not forget to manifest the power of his grace. This God has already done to a small number, who may be found, more or less, almost at every station; and to those who have a true desire to put themselves in the possession of the truth, we can but say—go and see! It is also obvious that such a small number scarcely appears among the great mass of 130,000; and it would be unreasonable to expect that those few who have begun a civilized life, have built proper houses, have a family, and arrange their family affairs as best they can, should leave all and go into service. Still they render agreeable services to the white men.

But our chief object is not to provide the white people with labour, or to make this a frequent topic of our conversations and preaching to the natives. The order we have to obey is, first to preach repentance of sin and faith in God through Jesus Christ; to prevail upon the native to fear God and obey him; for as long as the natives will not learn to obey the commands of the highest authority, in vain do we expect them to obey the commands of men.

Finally, I am of opinion that Missionaries have a double right to operate among these natives; a relative one, on account of their having hazarded their lives, and entered upon this field of mission labour before any white Government was here; an abso-

lute right, on account of the great principle of religion, which is freedom. Religion is free, and Missionaries have a right to preach and to teach it wherever they find it necessary; but none of the laymen have a right to interfere or to turn us, except we were found guilty of crime, which God forbid! Now, then, shall Natal prosper; the natives of it be raised. It must be accomplished by the spirit of true Christianity, whose legitimate officers are Ministers and Missionaries, and every one of the laymen should think it a privilege and a glory to aid in this great object, unless he bear the name of a Christian in vain!

"Righteousness exalteth a nation; but sin is a reproach to any people."—Proverbs, c. 14, v. 34."

I remain, Sir, most respectfully,

Your obedient Servant,

T. L. DOHNE.

To the Secretary of the Native Commission,  
E. Tatham, Esq.

P. S.—With regard to the Convict Question, I am of opinion that nothing could be more dangerous to the colony than introducing them. Because I believe the convicts would soon desert, and find a most agreeable reception with the Zulu chief, Panda. The roads, and other work for which they were sent would remain undone, and, sooner or later, the convicts, together with the Zulu, might *undo* the whole prosperity of Natal. Perhaps the authorities, and the public, are not yet aware that since some months ago, there is a *white man* at Panda's place who teaches the Zulu armies the use of fire-arms, of which Panda has plenty.

—ooo—

### EVIDENCE OF PHILIP FERREIRA.

My brief but general views regarding the question set forth in the 11th section of His Honor the Lieutenant Governor's instructions to the Native Commission, are

1st. I would suggest the discontinuing of Native Locations, and remove the whole of the native tribes residing between the Buffalo, and Tugala, and the Umcomanzi Rivers, and place them between the Umcomanzi and Umzimculu, or further, excepting such as are in the actual service of the European colonists, or such as may be willing to enter such service.

2. I would appoint over them there, a European chief, a gentleman of known abilities, who should be thoroughly acquainted with the native language, laws, customs, and character, with full power to manage regulate, rule, and divide the tribes under him in such a manner as will be best adapted to establish peace and authority there, and to promote and instil habits of steady industry and civilisation in the natives.

3. I would fix and mark off, a separate location, or extent of land for each different tribe, sufficient for their entire requirements, and appoint a magistrate, and other officers, police, &c., that may be deemed necessary and expedient for such separate tribe.

4. I would place those tribes who have the greatest claims as abo-

rigines on, or nearest to, the Umcomanzi river.

5. I would make the natives distinctly to understand that they shall have the undisturbed possession of the land allotted to them, as long as they shall remain faithful, and obey the authority.

6. I would not allow any white inhabitants to have land within the territory as stated, excepting that I would give every facility and inducement to missionaries to settle among the natives, and would endemnify the missionary societies for their outlay in the present Locations, in buildings, and other permanent works.

7. I would direct the chief magistrate to draft a code of laws for his government, to be submitted to the Council here for approval or otherwise.

8. I would either subject the natives to the present tax, or to such other as may be deemed more applicable and expedient.

9. I would apply  $\frac{2}{3}$  of the taxes raised from the natives, to support their own entire government without exception, and the  $\frac{1}{3}$  to be placed at the disposal of the Treasury of Natal, as a tribute for protection or otherwise.

10. I would most positively exempt every native from taxes, that is in the actual service of the European colonists here.

11. I would not, on any account, tolerate native-squatting on Crown or other lands.

I have further briefly to remark, that I am aware of existing fears with some, that if the natives are removed to such a distance, it would create a still greater want of laborers than is at present complained of; but it is my humble opinion that, on the contrary, a greater supply of labor would be thrown into the market; yet, should such fears (against my expectation), prove to be correct, then, I think, it could be greatly remedied, were the chief, and magistrates under him, to use their legitimate influence to induce the parents to apprentice their children for one or more years to the European colonists here—inasmuch as to reason with and point out to them, the great benefit and advantage which they and their children will ultimately derive from a life of steady husbandry and active civilised training.

From the information I have obtained, it is quite evident to me that the land to the south of the Umcomanzi, as proposed by me, is quite equal, if not better, more productive, and healthier, than that of the present Locations, which circumstance alone would be a stimulant to the natives to remove thither with a good-will, as it must be as well known to them as to us.

It is my humble, but positive opinion, that if the natives are left in their present position, and in such fearful numbers, a collision that will bring about woful consequences to Natal, must sooner or later ensue; so that, for the safety of both, it becomes indispensably necessary that such a separation as I suggested be made at once. And I would say that it behoves those who wish to be the real friends of the natives, to exert themselves to have their removal effected.

In conclusion, I am of opinion that with good management on the part of the Diplomatic Agent, the removal of the natives can be effected without disturbing the peace and tranquillity of the District.

P. FERREIRA.



### *EVIDENCE OF THE REV. LEWIS GROUT.*

So far as we can learn, the district of Natal has been inhabited by African tribes ever since it was first known to Europeans, and probably for ages before, though the number and size of these tribes have varied at different times, in consequence of the wars and commotions to which they and their neighbours have been occasionally subject during this long interval.

In 1575 a Portuguese navigator was sent by King Sebastian to explore the coast and countries of Southern Africa; and in reporting upon Natal, he says "The country is populous and well stock-with animals, both tame and wild." Natal was visited several times by different vessels, some of them evidently in pursuit of slaves, between the years 1684 and 1690. The accounts then given by these foreign navigators, in respect to the aborigines of Natal, clearly show that the people were numerous at that time, and also that their characters and customs were then much the same as we now find them.

During the five or six years above named, the Dutch East India Company collected some facts and incidents in respect to this country and people, from shipwrecked seamen and from others sent here for the purpose of trade and exploration. In their reports they tell us that they "found the country of Natal (*Terra de Natal*) very fruitful and populous, and the natives friendly, compassionate, and obliging—strong and ingenious, armed with only one assagai, obedient and submissive to their king or chief; living in communities in huts made of branches wrought through with rushes and long grass, and roofed like hay stacks in Holland. In manners, dress, and behaviour, they are much more orderly than the Cape Hottentots. The women attend to cultivation; the men herd and milk the cows, &c." Again they says—"In an extent of fifteen miles travelled by your servants along the coast to the depth of about thirty miles inland, and through five kingdoms, they found no standing water, but many rivers." Now, if there were as many kingdoms in other parts of the district as in that passed over and reported upon, then there must have been, at that time, just two hundred kingdoms of aboriginal inhabitants in what are now regarded as the limits of Natal colony.

Coming down to a later date, a period within the memory of the oldest inhabitants, we find the country still occupied by numerous aboriginal tribes. But during the reign of Tyaka (*Utyoka* or *Chaka*) King of the Zulus (*Amazulu*), from twenty-five to thirty-five years ago, these Natal tribes were much broken up, diminished, and scattered. Some of the people were slain, some lived here in concealment, some fled for a time, and for a time some also were taken captives, but all this will appear more fully in giving a sketch of each tribe residing in the district of Natal in the early days of Tyaka.

‘ In 1822 and 1823, and afterwards, Natal was visited by several white men; some of them were shipwrecked here, some came for the purpose of exploration, and some for trade and other purposes. It was said that at that time no white vessel had been here and no white person within the memory of the oldest inhabitants.

On the arrival of these men they found the whole country from Umzimkulu to the Delagoa and inland to the Basutu, in the possession of the Zulu chieftain Tyaka and his people, or the tribes which he had subdued. In his hands it remained till his death, after which it fell into the hands of his brother and successor Dingaan (Udingani). The foreigners remained here in safety by the sufferance or consent of these two chiefs and their people, for several years, some till their death and others till the arrival of the Dutch Emigrants from the Cape in 1838, and the disturbances consequent upon that immigration.

Then followed four or five years of management, struggles and the shedding of blood between the natives and the Emigrant farmers, and between the farmers and the British, in which hundreds and thousands were slain to settle the question of supremacy in Natal. The result was, that on the 12th day of May, 1843, it was proclaimed that the District of Port Natal, according to such convenient limits as shall hereafter be fixed upon and defined, will be recognized and adopted by Her Majesty the Queen as a British colony, and that the inhabitants thereof shall, so long as they conduct themselves in an orderly and peaceable manner, be taken under the protection of the British Crown.

Before proceeding to sketch the history of the Natal natives, and to give the places of their former and their present abode, and the names of their chiefs, it may be proper to give a short account of Tyaka and the Amazulu under him, as the history of the latter is closely connected with that of the former.

If, in our enquiries concerning the Amazulu, we go back as far as the memory of the oldest inhabitants extends, we find them a comparatively small tribe living upon and near the Imfolosi Umhlope, and reported to have come down, at some former period, from a more inland region on the west or north west. The line of Zulu chiefs, so far as we can now ascertain, is the present incumbent, Umpandi, who succeeded his brother Dingan, who succeeded his brother Tyaka, who succeeded his father Usenzangakona, who was the son of Ujama, who was the son of Umakeba, who was the son of Upungwa. Tyaka was born about the year 1787. His father Usenzangakona was rich in wives and children, having some twenty-five or thirty of the former, and no one knows how many of the latter. He passed most of his youth with his mother, Umnandi, among the Umtetwa, regarding Umgomaua, an induna of that tribe, under Udingiswayo, as his father. On the death of Usenzangakona he went back or was sent by Udingiswayo, at the age of about thirty, to take possession of the Kingdom. Some say

that he did this by deposing a more rightful heir; but others deny it. No sooner had he ascended the throne and asserted his authority over the Amazulu, than a large portion of the Umtetwa tribe joined him and asked his aid against another tribe with whom they were at variance. He listened to their call, sallied forth in person at the head of his warriors, soon conquered the tribe against which his aid was sought, took many of them captive and added them to his own nation.

Cruel and bloody as this mighty African conqueror is reputed to have been, or as he really became in the progress of his triumphs, his policy, especially at first, was not so much the utter destruction of the neighbouring tribes, as to subdue and incorporate them with his own. Pursuing this policy he conquered one tribe after another, took many of them captive, and located them here and there among his own people, taking care so to distribute, guard and govern them, as to hold them in the most complete awe and subordination to himself.

In this way he seems to have gone on some five or six years, without much interruption, increasing the number of his subjects and tributaries, the strength of his army and the extent of his dominion, so that in 1822 his conquering power was felt from the Umzimvubu on the south west to Inhambona on the north-east, and from the sea coast inland across at least half the continent of Africa. Many were slain by his forces, many were taken captive, and many others fled for a time from the land of their fathers, and sought an asylum in the neighbouring districts, while others still hid themselves, in seasons of danger, among the mountains, rocks, and ravines of their own land, and their remained till the enemy had passed and repassed, and left them to rest for at least another year.

These statements in respect to the policy, wars, and wide dominion under the Amazulu under Tyaka, will be further illustrated in a sketch of the natives of Natal. But a few extracts from voyages and travels made in this part of the world, at the time referred to, may be given in this place. We refer first to the valuable "Narrative of Voyages" by Captain Owen, R.N., who came in 1822 to explore this part of the African coast. Speaking of the mountainous ridge which forms the inland boundary of Natal district and stretches on to the N.E. and S.W. for hundreds of miles, he says:—"Through these mountains there is said to be but one pass used by the natives going to the northward, and by that pass the Zulus have poured upon the people on the other side, and depopulated, laid waste, and entirely subjugated them even as far as Inhamban."—See vol. 1, p. 107.

"In 1823, while Mr. Thompson was at Lattakoo, these districts (the interior) were invaded by a numerous and formidable Kafir people, from the vicinity of Cape (Port) Natal. These, it was discovered, had been driven from their country by a still more powerful

ful tribe, the Zulus, whose chief, Tyaka, could muster one hundred thousand fighting men" (See M'Culloch's *University Gazetteer* article, Africa). Mr. Isaacs who visited Tyaka several times in 1825 and 6, describes one of his imperial kraals (and he had many such), as "exceeding three miles in circumference, and including within its space about fourteen hundred huts. The king's palace, which is situated at the head of the kraal, on an eminence, comprises about one hundred huts." (Isaacs' *Travels*, vol. 1, p. 78.) On one of his visits he "had an opportunity of seeing a large body of his troops, consisting of 17 regiments of soldiers with black shields and twelve regiments with white ones, at drill, on the hills around us, there appeared about 30,000 fighting men, and I understood that every man carried about him some badge of a warrior, there being not one among them, who had not been wounded in battle. [Isaac's *Travels*, vol. i. p. 140.]

Tyaka was accustomed to keep about 15,000 warriors in constant readiness for any emergency, or any expedition, on which his circumstances or pleasure might make their services requisite; and this numerous force which he always kept ready for service at a moment's warning, and the still greater number of fighting men which he kept in reserve, shew clearly that he must have had an immense population at his control; and, taken with the fact, that the proper Zulu tribe was itself small when he became chief, it shews clearly also, that, careless of life as he was, his leading policy in war, as we have before remarked, was not so much to annihilate the neighbouring tribes, as to subjugate, and incorporate them with his own.

In respect to the population of this part of Africa in the days of Tyaka and after his death, Mr. Isaacs, at the close of his 'travels' which were made here in 1825—1831, says, "I was not able to form the least possible estimate of the extent of the population of the Zulus, nor have they any knowledge of it themselves, the incorporating of so many conquered Tribes must make their aggregate large. It is true their savage laws and customs are a ruinous check on increase of population, but the females are exceedingly prolific. It may be concluded that the country must be pretty thickly inhabited, when the king can summon one hundred thousand men to the field, besides his fifteen thousand warriors. There is a great excess of females over the males, and doubtless will be, so long as that propensity to war prevails among them, which takes off a large portion of the male population annually. It is quite clear also that the people must be numerous from the thickly settled hamlets which the face of the country exhibits, and those hamlets appear to contain each of them a great many persons of all ages. Within a short period, our settlement which was somewhat circumscribed, contained upwards of two thousand persons." (See Isaacs' *Travels* vol. ii, p. 325—326.)

Among the royal towns of Tyaka, of which he had as many as

he had regiments of soldiers, Isiklepe, Unobambo, Ubulawayo Utukusa, and Umbelebele may be named as some of the more important. Utukusa was built on the Umvoti river after he had subdued this district to himself. Here he passed much of his time towards the close of his life, praised and worshipped, ostensibly at least, by his soldiers and his subjects, as the tiger, the lion, the elephant, the huge mountain, the great black prince, the Supreme mighty Ruler, King of Kings, the Immortal only one.

One of the great songs of his soldiers, often sung by them to his delight and praise was :—

Wa gedageda izizwe,  
 U ya kuhlaselapi na ?  
 E, U ya kuhlaselapi na ?  
 Wa hlula amakosi,  
 U hlaselapi na ?  
 Wa gedageda izizwe,  
 U hlaselapi na ?  
 E, E, E,  
 U hlaselapi na ?

That is,—

Thou hast finished, finished the nations,  
 Where will you go out to battle now ?  
 Hey ! where will you go out to battle now ?  
 Thou hast conquered kings,  
 Where are you going to battle now ?  
 Thou hast finished, finished the nations,  
 Where are you going to battle now ?  
 Hurrah ! Hurrah ! Hurrah !  
 Where are you going to battle now ?

But while his army was absent on a distant expedition to the Northeast, Tyaka who had remained at home at his Great Kraal, Utukusa, on the Umvoti, was assassinated. The deed was committed in open day, Sept. 23, 1828. He was sitting within his cattle fold at the upper end, a common place for courts and other gatherings, with some of his great men, courtiers and tributaries admiring his cattle as they returned, the sun yet shining in the west, when, according to the best accounts, his two brothers, Dingan and Umhlangani, together with his chief domestic, Umbopa and others appeared before him, remarking that they had started out on a hunt. As they drew near Umbopa ordered the men to leave and cease troubling the King with their false accusations, at the same time stepping in among them to start them up and push them off. After a few words between him and the king, and between the king and his two brothers, Umbopa managed to give him a stab in the back. The king attempted to escape but was followed by his brothers and covered with spears.

This deed of violence was planned by the two brothers and th

kings servant was employed by them to execute it, all doubtless knowing well that the soldiers who were absent and the people at home would say little or nothing against it. Dingan soon managed to dispatch his brother Umhlangani and take possession of the throne. He alleged that all was done for the good of the nation and was greeted with the acclamations of the mass of both soldiers and people.

But his conduct soon gave indications that his rule would be no better than that of his predecessor. As he lacked the opportunity and probably the far reaching mind of his brother to keep the power of his forces and the attention of his people occupied abroad, he felt that his own supremacy and life even must depend upon his slaying those who might wish to slay him, and upon his thus keeping the nation in awe of himself. Hence his cruelty and his weakness, and hence again one reason why so many who had been taken captive by his predecessor, now desired and attempted to return to the land of their nativity, and so generally succeeded in the attempt.

The political character and policy of Tyaka and Dingan was briefly but well described and contrasted more than ten years since by the late Rev. Dr. Adams, in the following terms, "All the tribes formerly inhabiting this country (of Natal) were conquered by Tyaka. Previous to his time the Amazulu were a small but very enterprising and warlike nation. But by gathering the scattered remains of the several tribes and incorporating them with his own people, he made the Zulu nation the largest and most powerful in all South Africa. It would seem that Tyaka treated his captive subjects in a mild and conciliatory manner, and thus secured their loyalty, and being himself an active and successful warrior, generally leading out his army in person upon his marauding enterprises, he was quite popular with his nation, and had wisdom and sagacity enough to hold together heterogeneous elements of which it was composed."

"Dingan, who was of a suspicious and jealous temper, did not pursue the conciliatory policy of his predecessor, and during the early part of his reign, the people began to flee from the (Zulu) country to escape the intolerable oppression and cruelty to which they were subjected." (See *Missionary Herald*, vol 39, p. 155.

Many of the people who withdrew from Dingan and came to Natal, attached themselves to the white people who were residing here at that time, who set up a kind of chieftanship over them, both parties coming readily into the arrangement for both the honor and the advantage which they hoped to obtain from it. And not a few who thus left Dingan for Natal were among the tribes and people whom his predecessor had forcibly withdrawn from this district at a former period and incorporated with his own, nation, and hence one reason for their eagerness to come here, and hence again, in returning here they came not as foreigners and immigrants, but rather

as captives and exiles returning from a land of strangers to their own paternal homes. The truth of this remark will be illustrated further in giving a sketch of the several Natal tribes.

These defections and departures from Dingan continued and increased until his death, and were indeed one great cause of his final overthrow. This appears from another letter written by the Rev. Dr. Adams in Oct. 1839. He says, "An important revolution has nearly taken place in the Zulu country. A brother of Dingan, the only surviving one named Umpandi, revolted about a month ago and crossed to the wide side of the Tugala river, near which he resided. He has heretofore been nominally an induna of high rank, but has always lived very retired, never interfering with the affairs of the nation, and seldom going away from his place. From some late movements of Dingan this man suspected that he had designs upon his life, and resolved to leave the country, with the few people under his authority, and placed himself under the protection of the Boers. As soon, however, as his intentions were known, and he began to move, he was followed and joined by one induna after another, with their people, until he found himself at the head of half of the Zulu forces. He has recently been made king, with a great deal of ceremony at the grave of Tyaka near which he now resides. It is eight or ten miles west of the Tugela, and about the same distance from the sea. The people are still coming over to him, and the time is probably not very distant when he will be king of the whole nation." (See *Missionary Herald* 1840, p. 122.)

The prediction here uttered was soon realized. The Boers who had already had several sad encounters with Dingan, now "pledged themselves to support and defend Umpandi, while he on the other hand, promised to support them in any attack upon Dingan." Accordingly an expedition was soon proposed against Dingan, and between four and five hundred mounted emigrant farmers, together with Umpandi and about four thousand of his army, set off from this District for the Zulu country, and in Jan. 1840, the two armies that of Umpandi and that of Dingan, came in contact. The latter was defeated, and Dingan himself driven to the confines of his territory, near the Amazwazi. There he remained a few weeks in solitude. Until his Kraal was surrounded at night by a company of the Amazwazi, and he received a wound of which he died the next day. Ehlatebulu, Abonjeni, in a great forest in mount Bombo, aged about 45 years.

Umpandi, who had already been proclaimed King by half the nation, and over whom the honors of coronation, according to their customs, had been performed at the grave of Tyaka on the Umvoti, in this District, was now left without an avowed rival, and was now acknowledged by all parties as rightful successor to his brother,

With this brief notice of the proper Zulu nation, and of Tyaka. Dingan and Umpandi, the conquerors and for a long time the Kings

of this District and of all this part of Africa, we come to the more particular history of the Nations of Natal.

In giving a *Sketch* of the *Origin* of the *Native Tribes* now dwelling in the *Natal Colony*, and a brief *History* of them from the days of Tyaka's reign, and before, down to the present time, it may be proper to notice first some of the authorities or primary sources of information from which the materials for the account are mostly derived. These are some of the older and more intelligent natives now residing in the different parts of the Natal Colony. From these some thirty and more in number, belonging to different tribes, and born, many of them, some fifty or sixty years ago, in different parts of the District of Natal, copious historical facts and several extensive narratives have been collected in manuscript, some of late, and some in years past, respecting the tribes and their chiefs that have dwelt in Natal within the present century. The names and a notice of some of these aged, oral, African Historians may be given in this connection.

*Unongoko*, is a man some fifty years of age, of the Amahlungele tribe, which, at the time of Tyaka's invasion, dwelt on the Uhlanga. He is a relation of Uvunhlazi, chieftess of the Inkumbi tribe, and resides with Umazingahlati, son of Umbongwa, ancient chief of the Amahlungele. He is regarded as a man of unusual intelligence and deserving of confidence.

*Uwani*, is of the Amakanyoo tribe, which dwelt in the Umhloti before it was broken up and scattered by the Zulus. At the time of the invasion he fled to the Bluff, Esibubulungi, and was saved with the Amatuli by hiding in the bush which skirts the sea and living on shell fish and vegetables. His beard and head are now grey, and he says he was married and wore the heading before the time of Tyaka's irruption. He has been known for some twenty years or more by at least one white man who says that his word may be relied upon.

*Udidiza*, another authority for the following sketch, is an intelligent Native of the Amandelu tribe, with which he still lives in the southern part of the District. He is about fifty years of age, and has been familiar with the history of Natal since the Zulu invasion under Tyaka. His tribe at that time lived in the Umvoti. He often seen Tyaka both before and after the arrival of Farewell and others some twenty-five or thirty years ago. His business was to take cattle to the King to slaughter for food. He once went to Graham's Town in company with — King.

*Umhlamana*, the hereditary chief of the Amatyibi or Amabaca tribe, which dwelt in the early days of Tyaka on the Ihlimbiti, is another narrator of ancient tribal history, to whom we are indebted. His knowledge of the tribes which lived in the vicinity of his ancestors is extensive, and his narrative of their history is strait forward and consistent. Umhlamana has joined the Inkumbi tribe subject to Uvunhlazi.

*Ulanda*, a man of considerable importance and character in the



southern part of the colony, is the name of another oral author from whose account, in connection with that of others, the following sketch has been prepared. He is perhaps fifty or more years of age, and belongs to the Abambu tribe, which, in old times dwelt in the northern part of the Natal District.

*Ujadile*, who now lives at the Umgababa, scarcely a stone's throw from the place of his birth, has also contributed largely to the material for the following tribal account. He belongs to the Amatuli, many of whom escaped the notice and the weapons of Tyaka's forces, by hiding under the rocky, bushy, ridge along the sea from the Bay westward, living on game and roots. Ujadile seems to be an earnest, intelligent old man, speaking from a large experience and an honest heart. In respect to the arrival of Tyaka and his forces in that reign, he says "I remember the time well. I was then a young man. The Amatuli all collected upon a plain near the Umkomazi. The Zulus came up in the afternoon. We gave them battle and drove them back to the Umzimbazi, leaving the dead in heaps in the way, with this (right hand) I slaughtered many."

To this list may be added the names of many others of a similar age, observation and intelligence. Among them are the oldest brother of Umagidgidi, chief of the Amacele, living on the Umpanbinyoni; *Ufoyedwa*, the aged late regent of the Amalanga, who originated on the Umvoti, and live now on the Ifafa; *Umatyisa*, chief of the Amaosiana, living on the sources of the Umhloti; and *Umakantla*, of the same tribe and living in the same region. Umahaula was born at the Umvoti some fifty years ago, and has lived in this part of the Natal District ever since having never left the country.

Others from whom much valuable information has been obtained in respect to the natives of Natal, now living in the northeastern part of the colony about the Nonoti and Umvoti rivers, where they were born and had grown to years of active life and observation before the irruption of the Zulus. Among these are *Umfnewa*, *Umkonya*, *Ukomondo*, and *Upibana*. Others still belong to other parts of the colony and to many different tribes.

From the statistical information and historical narratives taken from the lips of these more advanced and better informed Natives, to the amount of more than a hundred pages of condensed manuscript notes, together with memoranda notes taken for various purposes on different occasions by different individuals, this brief sketch of the origin, growth, wars, destruction, concealment, flight, return and present residence of the colored population of Natal, together with the size of the different tribes, so far as known is estimated; and the names of their chiefs has been carefully prepared.

It must not, however, be supposed that this tribal account contains no errors. An approximation to accuracy on such a subject is all that can be claimed. But it may be added that much care and

labor have been bestowed upon the subject and much pains taken to have the whole account perfectly correct, and it is believed that this end has been very nearly attained.

The Native Tribes which inhabited the Natal District immediately previous to the time of Tyaka, or during the first quarter of the present century may be divided into two classes—those who were so far broken up and scattered or destroyed by the Zulu and other wars, as never yet to return again to a separate tribal state within the District of Natal, and those which are now found in something of a tribal state within the District, under their respective chiefs. Many of the former class still reside within the colony of Natal in conjunction with other tribes. And two entirely new tribes have been formed mostly from this class. Others still remain in districts beyond the limits of Natal, particularly to the southwest whither they formerly fled for safety.

Of the ancient Natal tribes which have not retained or recovered a distinct tribal existence in the district since the wars and dispersions under the reign of Tyaka, are the following, with a notice of their former localities, and the present residence of some of the people who belonged to them.

The *Amaklangas* dwelt on the Umgeni, inland, in Tyaka's time. They were slain or dispersed by the invader. Some fled to the Amabaca, who were then with the Amoxasa. Some now live with the Amabaca; some with the Inhumbi tribe on the Umtwalume; some on the Umgeni sources, and some with other tribes. Their hereditary chief is Umgada, said to be living not far from Pietermaritzburg.

The *Amandhlovu*. There seem to have been two distinct tribes or branches called by this name. Some lived, in old time, on the west of the Umtongati, under Uwzala; and some on the west of the Umgeni, near the sources of the Umhlatusana and further inland, under the successive ancient chiefs, Umbongwa, Uvadu, and Umbenge. Of the former there are now four or five kraals living on the Umpongodwe and Isipingo, under Umasimuya. The latter fled far inland at the time of the invasion. A few are now living on the Umkomazi, near Udumisa. There are also some of this name, amounting to twenty-nine or thirty kraals, living with Uko-fana on the Uhlanguana, and on the Inanda location.

The *Amogeni*, chief Umoyeni, dwelt in Tyaka's time, near Isidumbi. They were destroyed and driven off to the south-west by the Amazulu. There are a few still living in the colony, chiefly on the Umhlatusana.

The *Amazilemu* formerly lived in the region of the Umtongati. Their line of chiefs was Umzala, Umangele, Umoiya (slain by Tyaka), and Umbetyu, slain by the Amambomvu, when they fled before Tyaka. Many perished through famine; some escaped to the Amamponda land, whence they have not returned in any considerable numbers to our knowledge. A few, however, may be now

The *Amazilemu* formerly lived in the region of the Umtongati. Their line of chiefs was Umzala, Umangele, Umoiya (slain by Tyaka), and Umbetyu, slain by the Amambomvu, when they fled before Tyaka. Many perished through famine; some escaped to the Amamponda land, whence they have not returned in any considerable numbers to our knowledge. A few, however, may be now found living on the Umtwalume, among whom is the chieftess Uvumhlazi.

*Amakamyao*, or Amakohaunyao, is the name of a tribe that lived formerly on the Uhlanga and Umhloti. They shared the same fate as the Amazilemu. A few took refuge with the Amatuli at the Bluff, and were saved. There are five at least now living under the chieftain Uvumhlazi on the Umtwalume.

The *Amahlungole*, an off-shoot from the Amazilume, dwelt on the Uhlanga at the time of the Zulu invasion. The greater part were slain. Some fled to the bush, and some died of famine. Umbanjwa was chief; and his son, Umasingahlati, now lives in the southern part of the colony with Unongoko, from whom much information in respect to all the ancient tribes of Natal has been obtained.

The *Kwalanga* tribe dwelt on the Umgeni, inland, and were mostly slain by the Zulus. Some were carried away captives, and some escaped to the Kwahlamba mountains. As a tribe they are extinct; but a few live near Table Mountain, and a few others are scattered in other parts of the colony.

The *Amatyibi* anciently dwelt on the Umzinyati, but emigrated to the Umvoti, near the Isitemtu Mountain, before the days of Tyaka. They were originally an off-shoot from the Amancolosi. They were dispersed by Tyaka. Some, however, still remain in the district of Natal; some are with Fodo, some with the Amabaca, and some just this side of the Umzimkulu, under Ungobozi. The hereditary chief is Umhlamana, one of the authorities for this sketch.

The *Amazotya* built in ancient times on a plain south-west of Table Mountain. They were subdued by the Amabaca and many of them incorporated with that tribe. Some now dwell high up the Umkomazi, and some on this, west side of the Umvoti, not far from the sea.

The *Amantuluzela* dwelt, in Tyaka's time on a tributary of the Umtwalume. Many were destroyed. A remnant now resides near the Kwahlamba Mountains.

The *Amanzobe* dwelt on the Umvoti. Their chief, Undabane, was slain by the Zulu. Some of the tribe saved themselves by flight to the west. The remnant now resides on both sides of the Umzimkulu.

The *Amakulu*, or Iminkulu, anciently lived inland on the Umhloti, at a place called "Ozwatini," under the chief Umambane.

Some are now found in the country scattered among other tribes. There is a remnant on the Umkomazi; but the royal family is extinct.

The *Amazizi*, it is said, formerly lived above Pietermaritzburg under the chief Undweba, and that some are still living near their old home, while some are scattered among other tribes. Some of the *Amajivane* tribe, which once lived between the Umzumbi and Umzimkulu, are said to be residing now near the Umgeni, under Ukofiana. Some of the survivors of the *Amahloko*, who once built on the Umhlale, are now incorporated with the Amacele. The *Amajuzazi*, who dwelt on this side of the Umzinyati; the *Amabane*, who dwelt on the Umvoti; and the *Amanisipo*, who dwelt on the Umona, were nearly all destroyed by the Zulu invader, or driven whence they have not been heard from by us,

Of the *Abatwawo*, or Abatywawu, who formerly lived around the mountain, Inhlazuka, near the Ilovo, under the chief Unomanhla; of the *Amantyele*, chief Unomabunga; and of the *Amatyobene*, chief Unonduku, a few survivors may be found in the colony incorporated with other tribes. Of the *Amambibi* also, who once lived between the Umkomazi and Umzumbi, there are still a few in the colony.

The names also of a few other tribes once inhabiting the Natal district, may be given here, of which a few individuals also may be found scattered here and there in different parts of the Natal colony, of which are the *Amanjilo*, who once lived west of the Umgeni, about the sources of the Umlazi, under the chief Usali; the *Amalumba*, once living on the north of the Umhloti, under Umam-tunzini; the *Amanjale*, on the same river, inland, under Umtye-bengu; the *Amankomo*, not far from the last named, under Umgeti; the *Amamtambo*, on the Umkomazi, inland, under Unowelekazi; the *Amazodwa*, on the Umkomazi also, inland, under 'Unomatile'; the *Amampofana*, near the same river, under Ujoli; and the *Aman-tozake*, near the Umzumbe, inland, under Usofeka. A few kraals belonging to all the above tribes and to a few others of ancient residence in Natal, but now nearly extinct, especially as tribes, are still to be found in different parts of the colony incorporated with other tribes.

But the information concerning all the above named thirty tribes, greatly scattered and reduced or nearly extinct, as they now are, is less in both amount and importance, than that which pertains to the following tribes, which remain in much larger numbers, and still retain a patrimonial abode and a distinct tribal existence in the district of Natal.

So far, then, as can be learned from the memoranda notes of individuals resident among the natives in years past, and from the ethnographical statistics and narratives of the some thirty or forty natives already referred to, the following are the leading facts concerning the origin, history, chiefs, and present residence of the natives now

inhabiting different parts of the Natal colony, in more or less of a tribal state :—

1.—**AMAKANYA.** This tribe dwelt formerly in Tyaka's time on the Nonoti, between that river and the Utugela. Their ancient chief was Uduze. At the time of Tyaka's invasion, those who escaped bondage and survived fled to the Amamponda country. They returned to Natal about the time of the coming of the Dutch farmers, and are now living on the Umpongodwe and Amanzimtate rivers under Umakuta, son of Uduze, not far from the Umlazi Mission Station, and number some fifty or sixty kraals. The remnant of the Amagwabaland tribe, which built originally on the Nonoti, near the sea, is now incorporated with them.

2.—**AMAPUMULO.** In old time this people separated from the Amahlongwa tribe, all then living in the region of Kwamapumulo, between the Umvoti and Utugela. Their ancient chief was Usibanhlela, the father of Umtimkulu, in whose time the tribe was disturbed by Tyaka, and submitted to him after having suffered considerable loss. They are now living, many of them, at the Ilovo and Amanzimtate, near the Umlazi Mission Station. Their present chief is Umashimane, son of Umtimkulu. A few of the tribe, however, remain at their old home. Kwamapumulo under Umkonto.

Others, to the number of thirty-six kraals (156 huts), belong to the Inanda location.

3.—**AMANCOLOSI.** This tribe formerly lived above Kwamapumulo on the Umambulo, this side of the Utugela. When Tyaka invaded that region many were destroyed, some fled; some submitted and served the conqueror. They returned in time of the Dutch, and are now living on the Umgeni, not far from Inanda under the chief Ufaku. They number about one hundred kraals, amounting to about four hundred and fifty huts.

4.—**AMATYANGASI.** In Tyaka's early days the Amatyangasi lived on this side of the Utugela at Emanhlatoti, above Kwamapumulo. They were much broken up; some fled to the Bluff, "Eisibubungu;" some were captured by the conqueror, and some took refuge with the Amabaca, who were then in the Amaxosa country. Many of them are now living where they long since took up their abode on the Umhloti near Itafamasi, under the chief Umguni. Some are living also still farther up the country at Table Mountain and in the region of the Umgeni Falls. The number of kraals belonging to this tribe on the Inanda location, amounts to about thirty-three, containing about one hundred and seventy-five huts.

5. **AMACELE.** This tribe, at the time of Tyaka's invasion, was located at Umvoti, Umtongati, and Inanda. The whole tribe originally dwelt at the Umvoti near the sea. The first chief of whom any account is given was Utibanhlela. His sons, Umkokalela and Umakai, quarrelled and divided the tribe between them. Another son of Utibanhlela was Umanzi, the father of Ugabashi, the present chief of one branch of the tribe. They nearly all fled for a time before the Zulu army. But afterwards a part of them were taken captives. Among the captured were the present chiefs Ugabashi and Umagidigidi. Many, however, and among them some

of the principal men of the nation, managed to escape. Some went down and dwelt for a time among the Amanponda, returning again to Natal on the overthrow of Dingan. Others never left the country of their fathers at all.

One branch of the Amacele tribe, amounting to about ninety kraals, of whom Uqabashi is chief, is located at the Umlazi and Umpongodwe rivers, a little inland. Another branch of about the same size is living on the Umpambinyoni, under the chief Umagidigidi, son of Umakaj. Other kraals of the same tribe are scattered about in different places—some at the Ilovo; some on the Umkomazi, above Udumisa; nineteen or twenty kraals, containing a hundred and thirty-five or forty huts, on the Inanda location; and others in the vicinity of the Umtwalume,

6.—**THE AMAHLONGWA.** Before the days of Tyaka and in the early part of his reign, this was a large tribe residing on the sources of the Umvoti river, chief Uzwebu. In this ancient tribe several others, now known in the colony, had their origin, of which are the Amalanga, Amapumulo, and Amahlala. A portion were taken captives to the Zulu country; some became herders of Tyaka's cattle on the Umzimkulu and Umzumbe; some fled far inland; and some took refuge for a time with the Ulutyaba tribes along the coast, and fled or hid with them on the approach of the enemy. They returned to this country before the arrival of the Dutch Emigrants. One branch, numbering some thirty or thirty-five kraals, is now located on the Umzumbe, near the sea coast, under the chief Ungan or Ujulela; another branch is located at the Amahlongwa under the chief Ujoli or Unjolela. Some are living on the Umkomazi under Umzungu (Ogle); and others, some ten or twelve kraals, containing forty-five or fifty huts, on Inanda location; while others still continue to dwell on the Umvoti and Ithlimbiti.

7.—**AMANGANGA.** This tribe called also Amancece or Amancwecwe, before the Zulu invasion, lived between the Umvoti and the Utugela, about the sources of the Nonoti. They were captured and taken to the Zulu country. A few fled to the Amamponda land. Their old chief was Umdingi. They returned to this country again about the time of Umpanda's revolt from Dingan, sometime before the British took possession of Natal. They now live on the Umgeni, many of them not far from the Inanda Mission Station, under the chief Umanzini. They number fifty-eight kraals containing about two hundred huts.

8.—**AMATULI.** Before the country of Natal was invaded by the Zulus it was densely populated from the Umgeni to the Umkomazi, and inland, some twelve or fifteen miles at least, by one large and powerful nation. Their great chief was Untaba, son of Uyebeu, who was son of Umyatwa. Untaba lived not far from New Germany, which place is still known to the natives by the name of Kwentaba, in honour of that chief. Under Untaba there were several subordinate chiefs who ruled over particular tribes and separate sections of the country included in the above limits. Thus from the Umkomazi to the Ilovo the people were under Usojuba, son of Umatyoka. From the Ilovo to the Amanzimtote they were under Uashu; and from thence to the Umlazi, under Umcwane. From the Umlazi along the Bluff to the Bay the people were under Amabone or Umante, father of Umnini; and from the Bay to the Umgeni and inland Utusi was chief. All these, however, were for a time at least, subject to the great king Untaba.

According to the testimony of some, the entire people under him were called Amatuli, tho' some of them had more specific names. Thus the people from the Ilovo to the Umkomazi were called Amojoka or Amatyoka, probably from Umatyoka, father of their chief Usojuba; and the people along the Bluff were called Amafenya, from the name by which their country or some part of it was known. Some, however, restrict the name Amatuli to a large and powerful branch or tribe of the above nation living from time immemorial along the sea coast from the Bay to the south-west.

The Amatuli never left the district of Natal in any considerable numbers. On the arrival of the Zulu invader, at one time at least, they gave battle and resisted bravely. They not only stood their ground but pressed hard upon the forces of the assailant. Says Ujodile, one of our authorities for this sketch, speaking of the approach of the Amazulu,—“That day I remember well: I was then a young man. The Amatuli all collected upon a plain this, east, side of the Umkomazi. The Zulus came up in the afternoon. we gave them battle and drove them back to the Umzimbazi, leaving the dead strewn in heaps by the way. With this right hand of mine I slew many. When the sun was down we returned, took our cattle and fled, well knowing that the Amazulu would come again in greater numbers.” Some, perhaps many, were slain in battle. Many others, however, escaped death by taking refuge in the bush and rocks which skirt the coast from the Bay to the southwest. Among them was the present chief of the tribe, Umnini. There concealed between the Bluff and the sea they lived upon herbs and roots, and such insects and animals as could be obtained from land or water, till their country had rest from war and it was safe for them to emerge from their hiding places.

This tribe was for the most part still living, a year or two since, on their ancient patrimonial inheritance along the Bluff, with the assurance that they should not be disturbed in their peaceful occupation. And yet without offence or provocation, on their part, they have been removed within the last twelve or fifteen months, and their land, endeared to them and enriched by the blood which they had shed in its defence, has been thrown into the market and sold under the hammer of the auctioneer to the highest bidder.

The chief Umnini and some of his people are now living between the Ungobaba and the Umzimbazi. Others of the tribe are scattered in other parts of the colony. If we mistake not there are nine kraals containing fifty-five huts on the Inanda location.

9.—AMALANGI. The Amalanga branched off from the Amahlangwa tribe in the early part of the reign of Tyaka, when Uzwebu was then chief. At the time of the Zulu invasion the Amalanga were dwelling on the Umvoti and the Ihlimbiti. Part of the tribe fled beyond the Umzimkulu; some were slain; others made terms with the conqueror and became herders of his cattle within the present boundaries of Natal; and some were carried away captives beyond the Utugela. At Tyaka's death they returned to this country and settled on the Ifofa and Umzinto rivers, where the main

body of them now dwell. Ufagedwa being regent during the minority of the hereditary chief Umancengeza, who has lately come into office. The father of Umancengeza was Ubebena, who first built on the Umzinto at the death of Tyaka. Undaba (or Utyama), his father, was slain by the Amazulu. In 1844 the Amalanga numbered twenty-three large kraals. They are now estimated at about thirty-five kraals on the Ifofa and Umzinto. Besides these there are nine kraals, twenty-four huts, on the Inand location.

10. *AMASSEFETA*. This tribe dwelt formerly near a hill, Episweni, between the Umvoti and Utugela rivers. Their chief Umtyiga, was slain by Tyaka. The tribe fled along the coast and lived on game and such other food as they could find. Some were taken captive and carried away to the Zulu country by the invader, some were killed, and some perished of hunger in their flight. Those who survived returned to Natal and were collected together again before the arrival of the Dutch. They now dwell in part, at the Inanda under Umyekwa, in part on the Umgeni, not far from Table Mountain, under Umkiewana, and in part on the Ilovo, under Umacala. Of this tribe there are forty seven Kraals (209 huts) on the Inanda location.

11. *Amandelu*. This tribe called also Amabahlela, sprung from the Amahlongwa, and built formerly on the Umvoti. They separated from the Amahlongwas, in the days of Umtanjan, the father of Uzwebu. At the time of the invasion by the Zulus they were "eaten up." Many, however remained and were scattered in different places within the Natal District. Some fled to the country of the Amapondo. some submitted to the conqueror and became his servants and some died of famine. Those who survived and fled, returned and were gathered again with some who remained in the country, and took up their abode in their present locality on the Umtwalume, shortly before the arrival of the English in Natal. Undelu, son of Amancuku is chief. They number some twenty-six or thirty kraals.

12. *Amahlubi*. This people called also Abatunkulu from one of their ancient chiefs, originally separated from the Amangwana and dwelt on the Umzinyati, this side, between that river and Utugela. They were first scattered by the Amacunu, under Umacingwan, and dwelt in an unsettled state at the Kwathlamba until the Zulu invasion, by which they were again dispersed. Their line of chiefs is Uhlomo, father of Umashiya, father of Umtinkulu or Usele, father of Ubungane, the brother of Umonahala. who was frozen to death, at the time of Tyaka's invasion, in the Kwathlamba mountains. He was the father of Usowetya, who recently died being chief of that portion of the tribe who dwelt near the head waters of the Umtwalenne. Another portion resides farther to the south on the Umhlunga, near the sea, under Umpengu. There are three Kraals (15 huts) on the Inanda location. But the body



of the tribe is living on the Impafanna under Ulangalibalela. They were residing in the District of Natal when the Dutch Farmers arrived here. There were in 1848, thirty three kraals of this tribe, living this side of the Umzimkulu near the sea.

13. *Amandwayana*. The Amandwayana dwelt formerly in the region of Isidumbi—"Esidunjini."—A part submitted and served Tyaka, and some fled inland. They were already settled again in Natal at the time of its becoming a British colony. They are near and this side of the Umzimkulu, under the chief Uḡagamela, brother of Umkwayeka, from whom a portion of this information concerning them and others is derived.

14. *Abambu*, or Abasembu. These were also called Amasihlanhlu and Amikiza. The tribe formerly branched off from the Amaqwabe under Usihlanhlu. In Tyaka's time they dwelt inland this side of the Utugela, near where it receives the waters of the Umzinyati. They were routed by Tyaka. Many were slain, many captured, and some escaped to the country of the Amampando. Usihlanhlu, their chief was slain by the Amazulu. Most of those who were captured and who fled returned again Natal to in 1836. The remnant returned on the death of Dingana. They are now located, a large portion of them, somewhat inland between the Ilovo and Umpambinyoni, under Usingelo. Another portion—fifty kraals (220 huts)—is living on the Inanda location, about the Umceku, under Ukayana. Another portion of them resides near the mountain; Ontombomkulu, on the sources of the Umtwalume under Umazazuli.

15. *Amabombo*. This tribe separated from the Amadunge before the Zulu invasion, and dwelt between the Umgeni and Umvoti near the latter river, inland. Their first chief Umbitu was succeeded by his son Umanyongo, who was slain by Tyaka. They were much dispersed, many were destroyed, and for some years as a tribe they were broken up. At length when this country fell into the hands of the English, the remnants were gathered together by Umtukutela, son of Umonyongo, who is now their chief. They reside on one of the tributaries to the Umtwalume.

16. *Amadunga*. The Amadunga originally included the Amanyavu. They dwelt in Tyaka's time between the Umvoti and Utugela, inland, at a place called Epaswe. Their chief Umlakuda, was slain by Tyaka and the tribe much reduced and scattered. the remnants are living, one branch on the northern bank of Umzinto near the sea, under Udonzela, amounting to about fifteen Kraals; another branch on the other side of the Umzinto, a little higher up, under Utetwayo, amounting to some six or eight kraals; and another branch on the Umtwalume, and a few kraal on the Inanda location.

17. *Amanyavu*, or Amanyafu, dwelt in the region of the Noodesbug, the Umvoti and Isidumbi, in Tyaka's time. By him many of them were destroyed. Some escaped and went down beyond

the Umzimkulu. They are now residing in the Natal district, on the Umpambinyoni, between Udumisa and Unagidigidi. Their present chief, the same who was chief in the days of Tyaka, is Umkalipe, son of Unombuya.

11 *Abotembu*. Before the reign of Tyaka, the Abotembu lived on the Umtyizi, the other side of the Utugela, far inland. When invaded by the Zulus a part were slain a part under the chief Umkosi, fled to the country of the Amampando and Amaxosa, and a part under the chief Ujobe, submitted and served Tyaka. About the time of Dingan's contests with the Dutch and his overthrow, Ujobe returned with his people from the land of captivity and servitude, and built again with other remnants of the tribe in the Natal district, Inland on the Utugela. In 1845 they were estimated at about five thousand, inhabiting about one hundred villages or kraals. So far as we can learn, at present, they dwell, a portion of them, on the Impafana, under the chief Usekali, successor to Ujobe, how dead, a portion of them on them on the Umzimyati, under Umandisa; ten kraals (45 huts) on the Inanda location, and a small number also on the sources of the Umvoti, under Ubulungene. One division of this tribe is also, or was recently in Kafirland, living neighbours to the Amaxosa. A few of these came in 1847, with some of the Berlin missionaries from that district to this colony, and here recognised immediately some of their old tribal friends and kindred.

19. *Amahlala*. In old time this tribe was united with the Amahlongwa. When driven by Tyaka from their ancestral abode on the sources of the Umvoti, near the confluence of the Impafana and the Utugela, they fled "Emahlatini," to the bush at the Zwartkops, where they were living when the Dutch first arrived in this country. At the Zwartkops they amounted at that time, to nine large kraals at least, each kraal numbering about twenty men (amadoda) besides their women and children. As a tribe they are now living between the Umzumbe and the Umzimkulu, opposite and above the Amahlanga. Their chief is Ugatyu, son of Uzlingana who was the son of Umajola.

20. *Amasome*. This people dwelt originally about the sources of the Nonoti. Their ancient chiefs were the Umkuna and his son Umbacwa. They were scattered by Tyaka, some perished and some escaped. They rallied again, in a measure, after the arrival of the Boers. A few remain at the Umvoti, under Unozika, some are at the Umhlotuzan under Umazuzuli, some at Ifumi, under Unoyangwona; about eight kraals at the Umkomansi, under the chief Umbecwa; and fourteen kraals (66 huts) on the Inanda location.

21. *Amahlangu*, or Inhlangu, or Enhlangwini. This tribe dwelt of old about the confluence of the Utugela and Umzimyati and in the direction of the Noodsberg and Isidumbi, under their chief Unombeu. When disturbed by the incursions of Tyaka they fled

to the southwestern part of the Natal district. They now reside between the N. E. branch of the Umzimkulu and the Umtwalume, under Fodo, son of Unombeu. Fifteen or twenty kraals now dwell also near the sources of the Umtwalume, under Unciana, and a part of the tribe is incorporated with the Amaduma, under Udu-misa, while still another part lives under Udojiza, near the Um-pambinyoni.

22. *Amabaca*. The Amabaca, called also Amautya or Amausha, are said to have sprung in ancient times from the Amazilemu. At the time of the Zulu invasion they dwelt higher up the Umgeni. Many were slain by the Zulus. Many others fled inland and found an asylum for a time, near the sources of the Umzimvubu. Umtikane or Umdigane fled with a large portion of this people before the Zulus and was killed by the Amabele under their chief Umdingi. Umsonyanga, the successor to Umtkane was also slain by the Amabele, in his hut at night, and Uncapai, who succeeded him, was killed in an attack on Ufaku, chief of the Amaondo. The Amabaca now dwell on the Northeast branch of the Umzimkulu above the sources of the Umtwalume and Umzumbe rivers. Their present chief is Umtutyane or Undutyane, son of Usonyangwa.

23. *Amabele*, or Ambiya. This people sprung anciently from the Amahlubi. In Tyaka's time they dwelt high up the Impafana river. When invaded they, in part, fled inland beyond the Umzimvubu, where many of them were slain by the Amaxosa; some submitted to Tyaka, some perished by famine. A portion of this tribe now dwells in Faku's country, near the missionary station of the Rev. Mr. Jenkins. Some dwell in the southern part of the Natal colony between Fodo and the sea, under the chief Utamzele. Some dwell high up the Umzumbe and are called Amabiya from their chief Umbiya. Of this tribe there are nine kraals (29 huts) belonging to the Inanda location. They returned to Natal on the arrival of the Dutch.

24. *Amahleka*. Before Tyaka's time this tribe lived on the Umvoti, and was at one time, subject to Uzwebu, chief of the Amahlongwa. Their chief, Ukonhlo was slain by Tyaka, and the people fled beyond the Umzimkulu. Their hereditary chief Usisinde, son Ukonhlo, dwells now on the Ifafa, near the sea. He was banished from his people under the accusation of witchcraft. The remnant of the tribe now lives on the Umzumbe under a chief called Usfana.

25. *AMASEKUNENE*. This tribe which dwelt near Kwamapumula was nearly destroyed by Tyaka. Some fled to the bush. Unyamusa, their chief, was slain. They now live near Pietermaritzburg, under Uluhlahla son of Unyamusa. There are six kraals (54 huts) on the Inanda location.

26. *AMAFUTI*, or Amafoze. These people dwelt, about the time of Tyaka's invasions, between the Utugela and Umzinyati, under Under Umararuli who was slain by the invaders. Some were

captured and carried away to the Zulu country. Some saved themselves by fleeing, and some concealed themselves in the bush living on game and roots. They settled again in Natal on the arrival of the Dutch farmers. They now live "emahlatine," near Pietermaritzburg, under Umacansi or Unocasa, son of Umararuli.

27. **INATI**, or **Enati**. This tribe dwelt originally on both sides of the Utugela, tho' some say on this side, on the Ihlimbiti. When Tyaka came they at first fled to the bush, but finally submitted and served him. They settled in Natal again as a tribe in the time of the Dutch. They reside near Pietermaritzburg, under their chief Udiginyeka.

28.—**AMATOLO**. Before the Zulu invasion the Amatolo dwelt on the Umkomazi, inland. Their first chief of whom there is any account was Unhlebe—the second, Umkanyaza—the third, Unkonyana—the fourth and present chief, son of the last, is Udiginhlala, who lives inland on the Umkomazi. The chief of another division of the same people, building lower down the Umkomazi, is Uzwalaka. When Tyaka came down they took refuge for a time among the Amampondo.

29.—**AMAKUZE**. They dwelt originally on the Umkomazi under the chief Umazongwe. They now dwell on the same river as high up as Pietermaritzburg, with their chief Ukukulela, the son of Umazongwe. Some say they dwelt beyond the Utugela before the days of Tyaka. From their flight in days of anarchy, they returned again to Natal about the time it became a British colony.

30.—**AMAKABELA**. Before the days of Tyaka this tribe built by a mountain called Untunjambile, this side of the Utugela, not very far from Kwamapumulo. They submitted to the invader and served him as hunters and trappers, being permitted to remain in their paternal mountainous district as tributaries in the skins of small furry animals, of the cat kind, for the dress and ornament of their conqueror and his great men. They still reside, for the most part, in their ancient home, under their chief Umakedama. There are a few kraals in a neighbouring district, on the Ihlimbiti, under Ufabashi; also two kraals, at least, of ten huts on the Inanda location.

31.—**AMANGWANA**. Anciently this tribe dwelt along the Kwahlamba mountains about the sources of the Utugela and Umzimyati. When disturbed by Tyaka they fled to the Amaxosa, in Kafirland. There again they were attacked by both the Kafirs and the colonial forces, and great havoc made of them and of others with them. Many were destroyed; many perished from exposure and want; some returned with their chief Umatiwane, and made terms with the Amazulu and joined them. But their chief was afterwards slain by Dingan. They soon returned to the Natal District, and pitched their residence again near the Kwahlamba mountains on the sources of the Utugela, where they now reside under their chief Usikali, son of Umatiwaneor Umatuana. In 1845 they

were estimated at about 5,000 souls.

32.—**AMABOMVU.** The Amabomvu are said to have separated originally from the Amangwana and to have dwelt beyond the Utugela inland on the Umzinyati. They seem not to have been much disturbed by Tyaka, though they fled before Dingana. On the arrival of the Dutch they were residing inland on the north side of the Utugela, below the Amahlubi, where, for the most part, they still remain. Some, however, reside on the Impafani; and others to the number of twenty-one kraals (107 huts) live on the Inanda location. The chief of the tribe is Usomatye or Usamahashe.

33.—**AMAGUNU.** This tribe is reported to have separated from the Amagwabe in ancient times. They once resided at Eganbula, below and beyond the Umzinyati. Great numbers were slain by the Zulus during the reign of Tyaka. Many fled for a time to the sources of the Umzimkulu and beyond. Afterwards their chief and a part of the tribe returned to make peace with Tyaka, but they were destroyed. The remnant returned and served Dingana for a time; but on the revolt of Umpanda, they also revolted under their chief Upakode, crossed the Utugela and took up their abode for a time "Ensikeni," in the bush on the head waters of the Umzimkulu. From thence they soon returned to their present residence on the Impafana. The ancient chief of the tribe was Ubogo or Uluboko, whose son, Umacingwane, was slain by Tyaka on returning with some of the tribe to make terms with the Amazulu. Upakoda, son of Umacingwane, is chief at the present time. There are a few kraals of this tribe living high up the Umkomazi under Usocopo.

34.—**AMAOSIANA.**—This people formerly lived on this side of the Utugela below the Amotyangase, not far from Kwamapumulo. Some say they once lived on both sides of the Utugela. They were routed by Tyaka and shared much the same fate as most of the other tribes of Natal. They rallied again in the days of the Dutch; and in 1843 they numbered about forty kraals on the Umlazi river, under Umatyisa. Some still remain at the Umlazi; others, to the number of thirty-five kraals (175 huts) have removed with their chief to the mountainous region on the sources of the Umhlati—"Osangwani"—near Itafamasi.

35.—**AMADUMA.**—These people were collected into a tribe by Udumisa, their present chief, from whom they take their tribal name. Udumisa is not a hereditary chief. He was once a head man of one of the large kraals of the Amahlala, "Emahladini." A part of the Enhlangwini tribe is incorporated with the Amaduma. The remainder of the Amaduma is made up of the fragments of many other tribes, which were broken up by the north-eastern invasions, and which dwelt for the most part originally in the Natal district. They occupy the country inland between the Ifafa and Umkomazi. The number of kraals belonging to this tribe were reckoned at fifty in 1844.

36.—**INKUMBI.** The Inkumbi tribe was gathered after Tyaka's invasions and before the arrival of the Dutch, by Mr. Fynn. It includes individuals from at least thirty-two tribes, nearly all of which were inhabiting the Natal district before the Zulu wars. It now occupies the country between the Ifafa and Umzumbe rivers; is ruled by Uvunhlazi, a wife of Fynn's; and numbers ninety-two kraals.

37.—**AMAQWABE.**—The line of chiefs in this tribe, so far as we can learn, is Ufuta the father of Umcinci, the father of Ukonhlo, the Upakatwayo (and his brothers Unomo, Ugodolosi, and Ugodide), to whom succeeded the two present contemporaneous chiefs Umusi, son of Ugodolosi, and Umanfongonyana, son of Ugodide, though both of these rival chiefs call Upakatwayo father because the line of royalty runs through him. But he died childless, being slain by the Zulus.

In the days of their chiefs Ufuta and Umcinci and of Usenrangakona, the father of Tyaka, before the Zulus rose to power the Amaqwabe, or the greater part of them, dwelt on the sea coast about the mouth of the Utugela, some say on the east side and some say on both sides of that river, having come gradually down there from the Umhlatusi and Amatikulu. It was a powerful tribe, excited the jealousy of the aspiring Amazulu, and was one of the first to suffer at the hands of Tyaka, in the early days of his reign. Being disturbed and overcome some passed over to the west of the Utugela and went down as far as the Amanponda a full quarter of a century since. These were followed by others at different times, who built along the coast from the Utugela to the Umkomazi, chiefly at first about the mouths of the Nonoti and Umvoti, and afterwards on the Umpongodwe and Amanzimtote, being joined by some of those who had fled before them to the Amanpondo. Different companies passed over at different times and settled at different places, from the days of Tyaka or before, until the arrival and residence of the Boers in Natal and perhaps until the country became a British colony, for if we mistake not Mawa who came, we think in 1843, either originally belonged to this tribe or else joined it after her arrival here.

They are now residing, some at the Umona and Umtongati and Umvoti, under the the chief Umusi, and some at the Umvoti under Umanfongonyana; and some in other parts of the colony. In 1847 the number of kraals belonging to this tribe, then living upon the Umona and Umtongati, where they had then been for seven or eight years, was about one hundred, besides sixteen or seventeen kraals at the mouth of the Umhlati, and fourteen or fifteen more on the Uhlanga. Of this tribe there are now ninety-six kraals (338 huts) belonging to the Inanda location.

38.—**AMANYUSWA, or Amangcoobo.** This tribe lived in ancient times on the Emambo river tributary to the Utugela, the other side, under their successive chiefs Umapoloba, father of Usihaya, father of their present chief Udubulana. Usihaya was slain or ac-

assisted by Tyaka, and many of the tribe taken captive. They served Tyaka; but on the arrival of the Dutch they revolted from Dingaan and took up their abode in the district of Natal, where a part of the tribe are said to have built even in the days of Tyaka. They are now living on the Umona and Umtonga, i under Udubulana, and on the Umlazi and Ilovo under Umanga pangopa. There are a few also in other parts of the colony, as at the Umcekku. Of this tribe there are a hundred and thirty-two kraals (536 huts) belonging to the Inanda location.

39.—AMAGONGOMA. This tribe branched off from the Amonyuswa, soon after the separation between them and the Amocadi, all of which sprung from the old Amangcobo tribe. But they remained a dependant and lived contiguous to the Amonyuswa until the time of Dingaan's tyranny, about the time of Umpandi's revolt, when they came to the district of Natal. They now reside upon the Umhloti and the Inanda location, under their chief Usipanhle, amounting to forty-three kraals (179 huts).

40.—AMACADI, Amaqudi or Amaxadi. This tribe sometimes called also Amadube from their first chief, formerly sprung from the Amangcobo and dwelt on the Insuze tributary to the Utugela, the other side, nearly opposite Kwamapumulo. Their chief Udube was slain and the tribe scattered by Tyaka. They passed over into the district of Natal, some of them in the days of Tyaka, but most of them under the reign of Dingaan, about the time of the arrival of the Boers. They now reside on the north-east of the Umgeni near the Inanda and the Umhloti, formerly under the regent Umahlukona, but now under the young chief Umcwabi or Umahlanjani. The tribe numbers a hundred and fifty-four kraals (702 huts) belonging to the Inanda location.

The foregoing is a brief sketch of the origin, history, and present residence of the natives of Natal, together with the names of their chiefs and also the number of kraals belonging to each tribe where the number is known or where materials have been at hand for forming anything like a supposed accurate estimate.

There may be errors in the sketch, and the subject is one on which perfect accuracy is difficult if not impossible. But our authorities, many of whom have been named and others might be, have been taken from many different localities and tribes, and have given their accounts separately to many different individuals, their words being taken from their lips. And it is believed that if thirty or forty men were to be taken any where from any nation, and examined separately upon any great matter of history that had transpired in their day and under their eyes, there would not be found, in their accounts, more real consistency—general agreement with slight differences—than is to be found in the many accounts now before us, from which this sketch has been prepared.

But in order to understand fully the real present condition of the natives of Natal, and to grapple properly with the great ques-

now before us, we must have before us not only an outline of the history of them and their country from the earliest of our information concerning them until Natal became a British colony, but we must also trace the proceedings of the British Government concerning them from that period to the present time.

After several years of management and conflict, as has been remarked, between the natives and the Dutch farmers and between the latter and the British Government to settle the question of supremacy in Natal, and after referring the matter to the home authorities, a minute was issued to the Cape Legislative Council, May 4th, 1843, and a proclamation to the world, May 12th, 1843, in which it is announced that Her Majesty's Government does not deem it "either expedient or necessary to coerce them (the farmers) by military forces to abandon Natal and return to the (old) colony;" and in which it is proclaimed, declared, and made known "that the district of Port Natal, according to such convenient limits as shall hereafter be fixed upon and defined, will be recognized and adopted by Her Majesty the Queen, as a British colony, and that the inhabitants thereof shall, so long as they conduct themselves in an orderly and peaceable manner, be taken under the protection of the British Crown." And in these documents it is also declared that all the inhabitants, as well native as emigrant, shall be secured in the enjoyment of such lands as they may be found to claim or hold, pending the further pleasure of Her Majesty.

Indeed to secure the salvation, prosperity, and guidance of the native tribes, as well as of British born subjects—"the peace, protection, and salutary control of all classes of men settled at and surrounding this important portion of South Africa," was declared at that and at other times, and in various ways, to be the great end for which British authority was asserted over this district. And in both the minute and the proclamation above referred to,—the Magna Charta of the colony—"three conditions, so manifestly righteous and expedient" as to secure, it was hoped, a cheerful recognition from all parties, were laid down as absolutely indispensable to the permission which it is proposed to give the emigrants to occupy the territory in question and to enjoy therein a settled government under British possession"—conditions and principles "absolutely essential whatever institutions may be ultimately sanctioned:—"

1st.—"That there shall not be, in the eye of the law, any distinction or disqualification whatever, founded on mere distinction of color, origin, language, or creed; but that the protection of the law, in letter and in substance, shall be extended impartially to all alike."

2nd.—"That no aggression shall be sanctioned upon the natives residing beyond the limits of the colony, under any plea whatever, by any private person, or any body of men, unless acting under the



immediate authority and orders of the Government."

3rd.—"That slavery, in any shape, or under any modification, is absolutely unlawful, as in every other portion of Her Majesty's dominions."

A commissioner also, the Hon. H. Cloete, Esq., was appointed by Her Majesty, at the same time, to proceed to the territory of Natal for the purpose of enquiring into and reporting upon the number of farmers and others holding land in the district, and the extent of it, with a view to their receiving grants from the crown. And among the instructions to said commissioner were the following, in a letter addressed to him by the Hon. the Secretary to Government, dated 18th May, 1843.—"In reporting upon the claims of applicants within that territory you must carefull ascertain that the land so claimed is not also claimed, or held, or occupied by any native chief or native people, and when such a claim shall be made you will take care specially to report all the grounds advanced by conflicting claimants, whether European or otherwise, in order that Her Majesty's government may decide between them."

And on the 11th of October, 1843, he was directed "to make it known to the emigrant farmers and native tribes, that you were directed in May last, to cause the claims of the natives to lands, which they either held or occupied, to be scrupulously respected."

The said Commissioner was also further instructed at the same time, "to make it known that Her Majesty's Government and the Colonial Government will spare no pains to secure protection and justice to the native tribes around Natal, and that they are not to be restricted in locating themselves to any particular spot or district nor are they to be excluded from occupying any land whatever, which remains at the disposal of the crown. The Government will neither disturb them nor allow them to be disturbed in their occupation or selections. You will be good enough to announce that you never had any authority for even inquiring into their wishes or pretensions in these respects, and that it is not in any way within your province or duty to make any permanent or temporary arrangement either with the emigrants or with the natives for the settlement of the latter people. It is not probable that the natives will apply to the government for grants of the lands they now hold or may hereafter occupy. The advantage of such titles will not occur to their ignorant minds, but if they should, or if the government should consider that the issue of them will afford greater enjoyment and protection to the native in his possessions, they will undoubtedly receive them precisely as would the farmers or any other persons."

Such was the time and the manner of adopting Natal as a colony, such the grand reason, and such the fundamental principles—the "absolutely essential conditions" on which the adoption was made.

It was about this time, 1843, that the American Board of Commissioners for Foreign Missions, which had had Missionaries

labouring in this field since 1835, deemed it advisable to give up their missions here, and actually gave instructions to their agents in Africa to that effect. Two days after these instructions reached Natal. The Rev. A. Grout, sailed for Table Bay on his way home to America. On his arrival at Cape Town, a strong desire was manifested by the churches, the people and Her Majesty's Government at that place that the American Mission at Natal might be continued. A public meeting was called to consider the subject and see what steps could be taken to sustain the mission till a representation of the case could be made by the people at Cape Town to the Board in America. A subscription was commenced on the spot for the purpose of defraying the expenses of Mr. Grout either at Cape Town or at Natal, till the result of the representation might be obtained. An address to the American Board of Commissioners for Foreign Missions was prepared and signed by the clergymen of different denominations at that place, expressing "feelings of sincere regret that it was the intention of the American Board to recall their mission from the Zulu country," and "begging to urge on the Board to continue the same." "His Excellency the Governor and his Secretary also entered most cordially into the matter." and requested Mr. Grout to make out in writing a request of what would be required to prosecute the operations of the mission, with efficiency, at Natal, including both land and other means. "When I saw His Excellency," says Mr. Grout, in a letter dated Feb. 1844, "both he and his Secretary expressed a strong desire that we might remain in the country, and said that anything which they could do in order forward our designs, would be most readily done." Mr. Grout soon returned to his labors in Natal, with the means of support and a grant of land from His Excellency the Governor.

The Board also in America, regarding the solicitations of all classes in Africa, and other plain indications of Providence as to their duty towards this part of the world, decided to continue their operations among the natives of Natal and the adjoining districts. (See *Missionary Herald*, June 1844, also a letter from Sir P. Maitland, Governor of the Cape Colony, to the Commandant of Port Natal. Report of the American Board 1846)

Her Majesty's Commissioner, H. Cloete, Esq., thought that justice and the easy control and the welfare of the natives of Natal required that they should be located on some four or five separate places in the best disposable situations near the localities which they occupied on his arrival among them. (See Lieutenant Governor West's instructions to Commissioners for locating the natives, also *Missionary Herald* May 1844.) And in this opinion both the Local and the Home Government coincided.

A commission was accordingly appointed in March 1846, and instructions given them to locate "all the natives now within this District," supposed to amount to some 80,000 or 100,000 in number.

That commission went forward and proposed four locations for the natives,—one at Zwartkops, one at Umvoti, one at Inanda, and one at Umlazi. These localities being provisionally allowed by the Government and pointed out to the natives, upon and around them as theirs, began to be very generally occupied by the people and their chiefs with the sanction and by the order of government.

Early in 1848, however, a Proclamation was issued by His Excellency Sir H. Smith, a full compliance with the terms of which, it was thought by some, might be obstructed by the provisions now made in the locations for the natives. Accordingly His Honor, the Lieutenant Governor, M. West, issued a Notice, Feb. 16th, 1848, "that in order to enable the (new land) commission, appointed by the Proclamation of His Ex. Sir H. G. W. Smith, Bt. dated Feb. 10th 1848, to carry out His Excellency's views as fully as if no provision had been previously made in certain of the matters referred to in said Proclamation, the commission appointed by the Lieutenant Governor on the 30th of March 1846, for the location of the Natives, is hereby dissolved from the date of said Proclamation." Now, then, the locations and the labors and recommendations of the locating committee, and the very committee itself are annihilated, and the fullest liberty given, as with a challenge, to the new commission to do what they will in respect to the proposed allotments for the natives. What then at the expiration of their term of service, and after a year's examination and study of the subject—what was done? They give in their report and the Lieutenant Governor issues "a Proclamation which sets forth that the Land Commission have approved of the four locations; the Zwartkops, Umvoti River, Umlazi River, and Inanda, and that Board has recommended two others—one at the junction of the Umzinyati or Buffalo with the Tugela, and the other at the junction of the Mooi River with the Tugela. Upon these grounds the Governor declines his provisional approval of the said Native Locations, subject, however, to such modifications as to the precise extent and boundaries of each location, as, after further local inspection may be determined upon and hereafter announced" Now, then, the original locations are recommended by a new commission, appointed by a new functionary, and have received a new approval. Other locations also are recommended by the Land Commission, and the natives, some of them, are compelled, by military force to remove and settle upon them.

According to the judgment of some of the Commissioners and of others, disposed to give full credit to England's liberality and love of justice, the ultimate dimensions of the Umlazi location were supposed to be about twenty by twenty five miles; the Inanda about the same; the Umvoti, twelve by twenty, and the Zwartkops about ten by ten. This gave the Zwartkops an area of about one hundred square miles, and gave the three coast locations an aggre-

gate area of twelve hundred and forty square miles.\* (See Missionary Herald June 1848.)

However, after the locations were proposed, provisionally approved, and even assigned, by government to the natives, some of the most valuable portions of them were cut off and made over to newly arrived emigrants, the natives which were upon them being expelled. The exact extent of these excisions, first and last, is not known to the writer, tho' he is well acquainted with several of the localities, and supposes they might altogether amount perhaps to a hundred or a hundred and fifty square miles, more or less, leaving an estimated aggregate of about eleven hundred square miles for the natives belonging to the three coast locations.

It must not, however, be thought that an area of 1100 square miles is fit for either cultivation or pasturage or any thing else which can be made to contribute to the support of either men or cattle. No small portion of these locations is broken, precipitous, rocky or sandy and barren, suited to the habitation of only the owl and eagle, the baboon and jackal said a writer in a local paper a few years since, "a great part of them (the locations) are only fit for the residence of the Kafirs from the uneavenness of the country, and were it not inhabited by them, would soon become such a den of wild beasts as would be a great scourge to the adjoining farmers."

But we speak not upon the authority nor from the reports of others. From repeated personal observation, having passed in almost every direction over these locations and seen nearly every acre of ground in at least two of them, with our mind's eye yet full of the barren plains and precipitous hills over which we have had to pass, and of the rocky mountains and deep gulfs around which we have had to make a difficult and dangerous way, in whatever direction we have tried to travel, we are prepared to testify that a large part of the area allotted to the natives in their locations is nothing worth. This was particularly true of the Inanda location from the first, and in the case of the others, upon the coast, it has become more so from the fact, that some of the most valuable portions of them, have been cut out, as before remarked, and taken from the natives.

The entire population belonging to these three coast locations probably amounts to about fifty thousand. Belonging to the Inanda location there are at least 1176 kraals, which contain 5251 huts or houses. Estimating the number of souls in each kraal at twenty gives a population of 23,520. Or reckoning four souls to a hut,

---

\* Since the above was written the writer has seen it stated that "the Umlazi is certified in a document obtained from the Surveyor General's Office, at 130,000 acres, the Inanda at 250,000 acres, the Umvoti at 196,000 acres." (See proceedings of Commission, &c. Part I, p. 30.) Perhaps this estimate (for no measurement was ever taken) by the Surveyor General, was made before the limits finally proposed by the Commission were all named, or it may have been made after some excisions, about to be referred to, were made upon the locations.

5251 huts gives a population of 21,000 for the 1176 kraals that belong to the Inanda location. The number of huts belonging to the Umvoti location amounts, at least, to 2715, which at four souls to a hut, gives a population of 10,860 for that location.

The exact number of kraals and huts belonging to the Umlazi location, at the present time, is not known to us, tho' from what knowledge we have of it, we suppose it to be about the same as that of the Inanda location. In 1843 there were a hundred and forty kraals between the Umkomanzi and the Ilovo within about ten miles of the sea coast. From the Ilovo to the Umgeni, within about ten miles of the coast there were at least 293 kraals, of which 19 belonged to Umtanda, 39 to Umatyisa; 50 to the Umlazi station, 59 to Ugabashi, 48 to Umuini, 20 Umusi, 32 to Umahuta, and 25 or 30 more to several others. At that time the size of the kraals was much larger than at present. It was given in testimony before the Land Commission, already referred to, that, "in 1843 it was calculated that there were thirty huts to a kraal, since there has been greater security the number of huts in a kraal has diminished. (See NATAL WITNESS, July 7, 1848.) And a little previous to that time we have proof that the kraals were usually much larger still. (See sketch of the Amahlala tribe in foregoing pages, and also journey to the Zulu country by Capt. Gardiner, B.N., p. 312.)

In 1843, therefore, there were living upon and in the vicinity of the present Umlazi location at least 433 kraals, which at the average of 30 huts to a kraal, would give about 13,000 huts, and a population of about forty thousand souls, at the average of only three souls to a hut. Or if we abate nearly one-fourth of the number of huts to a kraal and put the number of souls to a hut at a fairer average of about four, the amount of population in the vicinity of the Umlazi (location) in 1843, would be as before, some thirty-eight or forty thousand. And that this estimate, for that time, is not far from correct, will be further shoven from additional data to be given hereafter. But the people on the Umgeni, for the most part, and some of those living at that time on the Umlazi, particularly Umatyisa's people, went elsewhere, particularly to the Inanda, after the locations were formed and assigned to the natives.

However, in 1847, after the locations were formed and the natives were to a considerable extent settled upon them, that part of the Umlazi location, which lies between the Umlazi and Ilovo, was estimated as "comprising an area of about 375 square miles and containing a population of from ten to twelve thousand souls," from these and other data and some personal knowledge of that location and the people, we infer that the population of the whole Umlazi location may be some eighteen or twenty thousand souls, at the present time, which with the population of the Inanda and the Umvoti locations would give an aggregate of some fifty thousand for the three coast locations.

But 50,000 souls for 1100 square miles, gives a population of 45 5-11th souls to the square mile. The native population for the coast locations in Natal is, therefore, about forty-five souls to the square mile, while the population of the whole Cape colony, both east and west districts, colored and white together is only about two and a half souls to the square mile; that of Africa as a whole, only five, that of North and South America about four; suffocating Europe only sixty-six; Asia, twenty-eight; Sweden and Norway, thirteen; Russia and Poland, twenty-eight; the Chinese Empire, only forty-three, and that of the whole earth together, only sixteen.

That is, by looking at our latest and best "Geographical and Statistical Tables respecting the extent and population of the different countries in the world," and comparing with them the size and population of the native locations in Natal, we find that the number of souls assigned to the square mile in these locations is greater by forty, than that of Africa as a whole; greater by forty-one, than that of North and South America; greater by seventeen, than that of Asia; greater by forty-one, than that of Oceanica; greater by forty-two than that of our neighbours in the old Cape colony; and about three times as great as that which falls to the square mile, on an average, among all the different nations of the earth—tho' less, of course than that of crowded, emigrating Europe, where many live, if they live at all, not upon the soil, but by their trades, their commerce, and their capital.

But it must be remembered that the habits of this people, and of their ancestors, for time out of mind, are chiefly agricultural and nomadic or pastoral. Of trade, commerce, and mechanic arts they know nothing, neither have they the requisite means for following them, had they the requisite knowledge. They must live, as they do, by their cattle and by cultivating the earth.—than which no mode of life is more healthy, honourable, and innocent,—that is, they have a right so to live and to the means for so living, if they please, until they are acquainted with other modes of life, and of their own free will choose those modes. But of this, more hereafter.

A population of 45 persons to the square mile will give about fourteen acres of land to each individual, or about 85 acres to a family of half-a-dozen souls—that is it will give each individual and family that extent of area—the amount of really available land being quite another thing. The emigrant Boer, who also lived chiefly by his cattle and by agriculture, as do the natives, thought six thousand acres of land none too much for him and his family; and emigrant, as he was, of five or six years standing, and much of that time disallowed, he asked his 6,000; and on showing an occupation of twelve months, he obtained it, and that too, in the fattest of the land,—which to a family of half a dozen persons would give a thousand acres to each individual.

Had the locating committee gone on and located the remaining

50,000, more or less, as they did the first, the aggregate of land which would have been proposed to the 100,000 natives of Natal, would have amounted to about 2,500 square miles, at the highest estimate, or a fraction less than one-seventh part of the Natal district, estimating the area of the district, according to an official report of Government, in 1847, at 18,000 square miles. If then the whole number of 100,000 natives of Natal had been furnished with lands at the rate proposed for about half of them, they would have had less than a seventh part of the whole district, which would have left more than six-sevenths of the district to the use of the Government and of the some five or ten thousand, more or less, of colonists and emigrants then present in the district, and to the use of such others, coloured or white people, as might be disposed and permitted to come from abroad and take up their abode here.\*

In this outline of the history of the natives of Natal, from the earliest period of information available concerning them, and from the most original and reliable sources, we have, set before us several, important facts and considerations.

The most important of these—that which most deeply concerns the natives themselves, and the Government which is set over them, and all others connected with or interested in them—that which lies at the basis of many other considerations, and must, in justice, mould all political measures concerning them—and that to which we shall chiefly confine our further remarks, is the great fact and consideration that the people, of whom we speak, are, for the most part, *bona fide aborigines of this district, fully entitled to a permanent abode in the colony, to a free ample possession in the soil, and to the blessings of personal liberty.*

In the sketch of the different tribes and fragments of tribes, already given, we see that some who were living here at the earliest recollection of the oldest inhabitants, were broken up and mostly destroyed during the invasion by Tyaka. But others were more fortunate and succeeded in eluding the path and destructive power of the invader, by fleeing to dense forests and jungles, or by hiding themselves in the clefts of the mountains and in the rocky barriers of the sea, until the fearful storm passed by. Some of these tribes and fragments of tribes have been already named;

\* Since the above was written, as before remarked, we have seen it stated that "the Umlazi is certified in a document obtained from the Surveyor General's office, at 130,000 acres, the Inanda at 250,000 acres, and the Umvoti at 191,000 acres." This would give the three coast locations an aggregate of 571,000 acres, or less than 900 square miles, instead of about 1,100 square miles as calculated by the writer, after deducting the supposed amount of excisions. And 900 square miles for 50,000 souls would give a population of about 55 souls instead of 45, to the square mile; and would give an area of about 11½ acres, instead of 14 acres to each individual. And if the locating committee had gone on and proposed land for all the natives, at the same rate, it would have given them less than one-tenth part of the whole district, leaving more than nine-tenths of the same to the use of the Government and the few white people who had claims here at that time.

and it was to this class that the Rev. Messrs. Owen and Hewetson, of the Church Missionary Society in South Africa, speak in their journal for April 17th, 1838, when one of them says:—"I wandered this day through the delightful gardens of an unconquered tribe; who, unable to defend cattle, betook themselves to tillage." And again, "I walked about twenty miles this day, through a country inhabited by a tribe who escaped the cruelties of Dingan and his murderous predecessor Tyaka. These people had no cattle till lately; and living in a place not easily approached by an enemy, they are hospitable and communicative. From this tribe the Fingoes descended, who are now at Port Elizabeth, and are extremely frugal and industrious." (See extract from Journals, &c., *Missicnary Herald*, 1839, p.p. 108, 109.)

Many other tribes, however, getting timely notice of danger and having better opportunities to flee, or being more disposed to flee than to fight and die or become slaves, deserted, for a time, their fields and the country of conflict, for a neighbourhood of peace and safety; or they simply ran before the enemy and the assagai, till the land had rest from war. Many of these watched their opportunity and returned again from time to time, as soon as they were able, and as near as possible or convenient to their former heritage—to the rivers and vallies of their youth and of their fathers' graves. To this class belong many of the tribes and fragments of tribes whose history has been already given, in some of the foregoing pages.

Other tribes which resided here, either yielding at once, or being conquered, made the best of their circumstances by joining and following the enemy, their conqueror. Many, if not all of these also, watched the signs of the times and seized the earliest opportunities for escaping from bondage and returning to their fatherland. And hence the only sense in which they can be called "refugees" is that they fled from a land of strangers and returned from an involuntary exile to the land of their birth and the home of their fathers.

The result, therefore, of the numerous inquiries which we have made, and of the information received from the best, the most original, and in fact the only original and authentic source, is that most of the tribes which occupied this district at or before the time of Tyaka, were much scattered and reduced. Many were destroyed; some found an asylum in the forests, rocks, and ravines of their own neighbourhood; many resorted to flight, and found safety in that; while others submitted and followed the conqueror. But those who remained in the land rallied, and great numbers of both those who fled and of those who were taken captive, returned again as they found opportunity, and are now dwelling some in a scattered and some in a compact tribal state, some on the identical lands of their birth, and some in other localities within the limits of the colony.



And that any tribe, or any considerable portion of a tribe, has come to reside for the first time, within the district, since it was adopted and marked off as a British colony, and thus separated from the rest of the country with which, till then, in the eye of nations, it had ever been but a part of one and the same, is a thing which we have yet to learn. That tribes anciently living on what are now made the borders of the colony, partly within and partly without the present limits, have changed their particular locality and come more entirely within the district, is evident, though we know of none who made the change after this portion of the country became a British colony, much less after its limits were named and defined. And moreover that colored people, here and there an individual, or a family, or a kraal, or perhaps a small company have been coming more or less every year into the colony since it was adopted, is doubtless true; but we have reason to believe that they are, for the most part, following and joining their respective tribes and reoccupying the country from whence they or their fathers were exiled by the hand of violence. So far as the writer's memory serves him the number of individuals of whom he has personal knowledge as coming from abroad into the colony, during the five or six years of his residence among the people on the locations, would not all amount to two souls per annum.

We have taken a section of the country, the Inanda location, as a kind of specimen as to what portion of the whole coloured population may be set down as belonging to the aboriginal tribes of the district—that is to the tribes which originated or built within the particular district of Natal, before the memory of the oldest inhabitants—ages since for aught that is known to the contrary—or which built formerly on what have been recently made the borders of the colony, some within and some without, and came fully within the now specified and defined district several years before it was adopted and marked off as a British colony, and thus separated from the rest of the country of which it was before a part.

So far, then, as we can learn, the whole number of kraals belonging to the Inanda location, at the present time, is about eleven hundred and seventy-six, containing about five thousand two hundred and fourteen huts, excepting thirty five or forty huts or houses belonging to the Amakolwe. Of this (foregoing) number, nine hundred and fifty-two kraals, containing four thousand and seventy-two huts, belong to the aboriginal Natal tribes or fragments of tribes, as above specified, and of which a sketch has been already given in the preceding pages. This leaves 224 kraals, containing 1042 huts, whose origin and history are not given, and are for the most part, unknown to the writer, that is, of the whole number of kraals belonging to the Inanda location, a fraction more than four-fifths belong to the Natal tribes before sketched, and either built wholly within the Natal district as now defined, ages

out of mind, or else they built formerly upon what have now been made the limits of the colony and came wholly within the district before it became a British colony, separate from the rest of the country.

These 224 kraals, or about one-fifth of the Inanda population, report themselves under 88 different tribal names,—other than the 70 and more names given in the sketch,—of which 47 of the (88) tribal names include but one kraal each; 13 include two kraals each; 13 include three kraals each; and seven include four kraals each. The other names include, some five, some six kraals each, and one or two include ten or twelve. We may suppose that some of these 224 kraals, distributed among eighty-eight different names, properly belong to some of the aboriginal Natal tribes already sketched—having assumed another name, of which we have instances. Others may belong to old Natal tribes now extinct, of which we have no knowledge. And others doubtless, indeed we know belong to tribes originating and still living, as a whole, without the limits of Natal colony, though some of these individual kraals came into this district several years before it was adopted by the English as a colony.

If now we suppose about one-half of these 224 kraal to belong to the tribes sketched or to others of Natal origin, or to have come into the district several years before it became a colony, it will make the truly aboriginal and domestic population of the Inandar location to be about nine-tenths, and the real or supposable so called “foreign” portion to be about one-tenth of the whole. Of the real Zulu tribe there are only three kraals in all, which together contain eight huts.

We have supposed Inanda to be a fair specimen of the whole district in respect to the facts here considered and developed in respect to the truly aboriginal character of the coloured population in Natal. But in one respect, touching those who once dwelt on what are now the borders of the colony, though when these borders were made the limits the people were all within them, almost any other section of the country would have presented fewer persons of this class.

In view then of all these historic and statistical facts concerning the origin and residence of the natives of Natal, how can it be alleged, without a gross perversion of truth and a strange abuse of language, that these natives are “foreigners,” “emigrants,” and “strangers” in this land of Natal? how in truth can it be denied that they are the aborigines of the country in which they dwell, having as such, a just claim to an ample unbought possession in the soil, and to a permanent abode, as free men, and not as serfs or slaves in the country?

But the impropriety of regarding the colored people of the colony as mere “Zulu refugees,” “foreigners,” “emigrants,” “aliens,” and “intruders,” and the correctness of the opposite doc-

trine that *they have a valid claim in the country and in the soil of Natal and are entitled to the blessings of freedom. may be put on another basis.*

The land was theirs and the kings who ruled over them—whether they were aborigines or not—up to the very day that the country became a British colony; and when that day dawned, and before the limits of the colony were fixed and agreed upon, all the tribes and all (but a very insignificant number) of the people now in the colony were here on the ground. And when the British Government adopted the country as a colony, it adopted the colored inhabitants thereof as British subjects, acknowledged their right in the country and in the soil, and pledged its faith for their freedom.

1. The district of Natal belonged to the natives now here and to the kings who ruled over them up to the day when it was adopted as a British colony. We have already shown that some twenty-five or thirty years ago Tyaka subdued all the tribes and gained possession of all the country of Natal and of much besides. After this extensive conquest he returned and built in this district on the Umvoti river, where he spent his last days, universally acknowledged as the ruler and possessor of this and the adjoining territories. Tyaka was succeeded in possession and power by his brother Dingan. And during the reign of these two kings all who came hereto Natal went to them, on their arrival, as the sole sovereigns of the country. Farewell went to Tyaka in 1824 and obtained of him permission to settle here, as we learn from the Exploring Narrative of Capt. Owen, R.N., vol. 2, p. 131, and from other sources. Captain Gardiner, R.N., came in 1835 and went directly to Dingan, from whom he obtained permission to "build at Port Natal and teach the people there," as we learn from his "Journey to the Zulu country," p. 71. Then came the American Missionaries and "Dingaan gave the brethren of the maritime mission leave to settle in his country, and proposed that they should reside at Natal," as we learn from the History of the A. B. C. F. M., p. 331. Then came the Dutch farmers, who also went straight to Dingan as the King of Natal, as we shall soon show by a quotation from history.

After the arrival of the Dutch there arose a contest between them and the natives, and also the British Government for supremacy in Natal, which terminated in the adoption of the country as a British colony, during which period the country must be considered as belonging, of course, to its former ruler and his people.

That Tyaka and his successors, Dingan and Umpandi, more or less formally or informally, gave or proposed to give, or are alleged to have given this district or part of it to certain white people, private individuals, or men acting in a private unauthorized capacity, before the country became a British colony is no doubt true.

Lieut. Farewell says, "I took possession of the country (of

Natal) made over according to the tenor of the documents forwarded to your lordship (on the 27th of Aug.), and hoisted the English colors, and fired a salute in the presence of a number of Tyaka's chiefs, which proceeding I hope will meet your lordship's sanction as well as that of the English Government." Then comes Mr. Isaacs (Farewell still here) and says, "he (Tyaka) created me chief of Natal, and granted me the tract of country lying from the Umhloti to the Umlazi, a space of twenty-five miles of sea coast and one hundred miles inland including the Bay, islands, and forests near the Point." (See Isaacs' Travels, vol. 1, p.p. 311, 312). Again he says, after Dingan came to power, "The original grant of the tract of country ceded to me by his predecessor Tyaka, was, it will be perceived, recognized by Dingan and confirmed to me." (See Isaacs' Travels, vol. 2, p. 41.)

Then comes Capt. Gardiner, R N., and says, Dingan gave me all the country about the Bay of Natal, and installed me chief of all the people, both black and white. "The territory in question was described by Umhlela and Tambusa, (head councillors of the Zulu nation) as extending between the Tugela and Umzimkulu rivers north and south, and from the sea coast to the Kwahlamba mountains." (See Journey, &c., p. 214). And while Capt. Gardiner is off for England to get Her Majesty to approve the grant to him, the Dutch farmers come in and say the country is ours for Dingan gave it to us. But were these gifts or cessions of territory real? Were any of them valid? Did the givers or even the grantees so regard them? Were the cessions acknowledged on the part of the Government or Governments to whom the parties owed allegiance? Did not His Majesty's Secretary for the Colonies, Lord Glenely, in particular, "disclaim in the most distinct terms, any intention on the part of His Majesty's Government to assert any authority over any part of this territory?"

But perhaps we can not do better than to give here an extract from a recent lecture by the Hon. the Recorder, H. Cloete, Esq., of Natal, in which he says—"Peter Retief, however," the commandant in general of the Dutch emigrants, "in the conscientious view which he had always taken of these matters, felt that as Tyaka and Dingan had both nominally given away this territory to various other persons before their arrival, and that the occupation of this country by him and his followers, might hereafter subject them to disputes, either with the Zulu chiefs, or with such English emigrants as had received such ill-defined grants from Zulu sovereigns, he accordingly determined to proceed in person to Dingan's capital, and to negotiate with him a treaty of peace and obtain a formal cession of such extent of territory as the latter might feel inclined to concede to them." Here we have all former alledged grants, cessions, and purchases put down as mere "nominal" transactions—all a kind of pretence—so each new suitor or grantee looked upon all former grants and cessions, and

so the givers doubtless meant it. Tyaka makes a "sale and gran of a part of his country in the neighbourhood of Natal" to Lieut Farewell; the English colors are hoisted, a salute fired, possession is taken, and the documents forwarded—all in due form and order. And substantially the same thing is done once and again and again at short intervals by different parties. But the "conscientious" Retief who comes after them looks upon it all as a kind of farce—a mere nominal affair of no importance or permanence; and the careful historian but utters a manifest truth and general sentiment when he sustains the decision.

But, strange to say—such is man—the same Retief no sooner comes to the above just conclusion, than he accordingly determines to proceed in substantially the same way, and obtain a claim to the same country in the same manner as others had done again and again before him! If the cession of the country to others was a *bona fide* transaction, how could he ask Dingan to make it over to him and his countrymen. But if all the sales and grants and cessions, hoisting of colors, and the putting of the King's mark to paper as was done by Tyaka for Isaacs, were mere nominal performances, why should not a repetition of the same be regarded in the same light,

That Dingan did not consent in good faith and with a willing mind "to resign to Retief and his countrymen the place called Port Natal, together with all the land annexed," is evident from the fact that before the grantees took their leave of him, he and his soldiers fell upon them and left not one of the whole company of a hundred mounted men to testify to the cession, or announce the fate of the embassy to their friends.

But suppose] this cession was, or was ever believed to be, any thing more than "nominal," like all the rest—a mere pretence on the part of Dingan to get rid of the suitors—were the farmers even authorized or even approved in the transaction by the government to which they owed allegiance? Not in the least. On the contrary Her Majesty's Government openly disapproved of the farmers leaving the old colony, assured them "that their undertaking is one which never will be approved of by the British Government," and sent an embassy to assure the native tribes that the Boers were acting "in open transgression of the laws," (see Government advertisement by His Excellency, 1838.) And again in the same year, Her Majesty's Government declared "the occupation" of Natal and of territories adjacent by certain Emigrants from the old colony to be "unwarranted" (see proclamation by Sir G. Napier, Nov. 1838). The claim also of the emigrants, in 1841, to be recognized as independent was rejected, and their resolution to expel the natives from Natal was pronounced a most unjust and illegal proceeding.

And it was not until the very day that Natal became a British colony that the Dutch emigrant farmers were exempted from their

obligation to return to the (old) colony and could lay claim to permission from Her Majesty to reside at Natal. The same documents which announce that Natal will be a colony, announce, for the first time, that exemption and permission. Thus in the "minute" of May 4th, 1843, it is said, "Her Majesty's Government has not, under the professions of allegiance made by the farmers, deemed it either expedient or necessary to coerce them by military force to abandon Natal and return to the colony." And again in the proclamation of May 12th, 1843, it is declared that three conditions "are to be considered as absolutely indispensable to the permission which it is proposed to give the emigrants to occupy the territory in question." Now if the farmers had a legal, authorized, approved possession of Natal previous to this date, then these words of Her Majesty are without meaning.

From these historic facts, then—from the conquests and claims, the possession and occupation of this land by Tyaka and his successors and the tribes under them, from the implied and expressed admissions of travellers, missionaries and emigrants, and from the express declaration and unequivocal conduct of the British government from first to last, who can say, that according to the laws of nations and the laws of the land, the District of Natal ever properly belonged to any nation or acknowledged power and authority, but that of the colored inhabitants of the land, until it was adopted and recognised by the British Government as a British colony in 1843?

2. When Her Majesty's Government adopted this District as a British Colony it also adopted its colored inhabitants as British subjects, acknowledged that they had a perfect right in the country and in the soil, and declared that "slavery in any shape or under any modification is absolutely unlawful as in every other portion of Her Majesty's dominions." This is quite clear from the letter and spirit of all the official documents to which reference has been made and from which several quotations have been given in the preceding pages.

It is evident from the three fundamental conditions on which the country was first adopted as a colony, and which are declared "absolutely indispensable"—"absolutely essential whatever may be the institutions ultimately sanctioned," the third of which conditions respecting slavery has just been quoted.

In the 10th section of the same Proclamation, of May 1843, it is declared "that the farmers and all others holding land within the District of Port Natal, shall, pending the further pleasure of Her Majesty, be protected in the enjoyment of all such lands as they shall be found by Her Majesty's Commissioner to claim and hold."

That the natives were admitted to have a right in the country and soil of Natal when the British Government adopted the country as a colony, is proved also from the instructions to Commissioner

Cloete, Esq., May 18th and Oct. 11th, 1843, which required him "to make it known to the Emigrant Farmers and Native Tribes, that you were directed in May last to cause the claims of the Natives to lands, which they either held or occupied, to be scrupulously respected," and "to make it known that Her Majesty's Government and the Colonial Government will spare no pains to secure protection and justice to the Native Tribes around Natal, and that they are not to be restricted in locating themselves to any particular spot or district, nor are they to be excluded from occupying any land whatever, which remains at the disposal of the Crown. The government will neither disturb them or allow them to be disturbed in their occupation and selections. You will be good enough to announce that you never had any authority for even inquiring into their wishes or pretensions in those respects, and that it is not in any way within your province or duty to make any permanent or temporary arrangement either with the Emigrants or with the Natives for the settlement of the latter people. It is not probable that the natives will apply to the Government for grants of land they now hold or may hereafter occupy. The advantage of such titles will not occur to their ignorant minds, but if they should or if the government should consider that the issue of them will afford greater enjoyment and protection to the native in his possession, they will undoubtedly receive them precisely as would the farmers or any other persons."

These principles and pledges of faith were repeated and set forth together with much more, of the same spirit, in subsequent official documents, by Her Majesty's Government, particularly in the Instructions of His Honor to the Commissioners in 1846, for locating "all the natives now within the District," supposed to amount to "the number of from 80,000 to 100,000."

But enough has been quoted and referred to, to show without a comment or without a doubt that when Natal was adopted as a British Colony, the natives were allowed to have a right in the soil and a claim to freedom. They were not taken as captives in war. Her Majesty had no contest with them—on the contrary, she had had from them efficient aid in time of her greatest need in this land, before it became a colony, as may be learned from despatches from the officer commanding at Natal, dated July 1842, and elsewhere. So far from being captives, or regarded even as enemies, they were regarded as friends and allies, and were never designed to be treated as serfs or slaves. Nothing was done or said to cut off or even question the natives right to a perpetual abode in the land and a permanent, undisputed, unbought possession in the soil of Natal. On the contrary, much was done by the highest authority to admit that right in plain terms and to the fullest extent. And this was done, not simply in a single instance, but repeatedly in various ways and at different times.

3. Nearly all the natives now here in the Natal colony were here

when it was adopted, or at least before its limits were named and fixed by the British Government and the neighboring powers. We say "nearly all" for it is not denied that a few have come here since that time, and it is also known that hundreds and thousands have been born here, during the past ten years of the colony's existence, who must of course, in truth, be excluded from the proposition before us, tho' they are true British subjects by virtue of their being born such.

It may be premised here, that the localities and tribes of which we have before us exact information and statistic all taken and put on paper at or about the time referred to, are, of course limited and imperfect, but we give them as good, so far as they go—all the better for having been recorded many years since, and without any reference to the point before us—abundantly authorising the inference which is drawn from them and which is capable of other proof.

For, indeed, in support of the proposition we might refer to the "sketch" already given of the seventy tribes and fragments of tribes now resident in Natal, and to the minute statistics of the Inanda location, as a general specimen for the District. From that sketch we learn what tribes and fragments of tribes remained here during the Zulu invasions; and also what tribes and fragments of tribes fled and returned, together with the time of their return. And if we except, perhaps, one case in which there is some uncertainty, we shall find that all the tribes and parts of tribes whose history has been collected and given, were here before the country became a colony, most of them several years, at least, before that time.

But in addition to that sketch, we have others, independent proof—incidental statistics from books published, letters written, and memoranda made ten or fifteen years ago, from which the proposition before us, respecting the amount of the native population present in Natal in 1843, may be sustained.

We have already given a memorandum of the number of Kraals between the Umgeni and the Umkomazi, to the distance of about ten miles from the coast—a memorandum made at the time (1843) by the late Rev. Dr. Adams, who was living among them and was, of all men, best acquainted with them. The number of kraals in that region, counted up and set off to each chief or tribe, amounted then to four hundred and thirty three, at least; which at the estimated average at that time of thirty huts to a kraal, and the low estimate of about three persons to a hut, would give a population of some thirty-eight or 40,000. Or should we diminish the estimated number of huts by about one-fourth and reckon four souls to a hut, the amount would be about the same. But we have reason to believe that 30 huts to a kraal, at that time, according the testimony given to the Land Commission, was not a high estimate for the period referred to. For it will be remembered, as stated in the



sketch that the Amohlala who were living at the Zwartkops, near P. M. Bnrg, on the arrival of the farmers numbered about twenty men (amadoda) to a kraal, besides the women, young men and children. And as every ipan had several wives, generally more at that time than now, and every wife had a hut as well as her husband, the population of that tribe may be reckoned at some three or four thousand previous to the adoption of Natal.

This average for kraals in former years will be supported, as we proceed to give the population of another tribe, as recorded by Capt. Gardiner, R.N., in his journey to the Zulu country, or rather his return from it in 1835. On his way he stopped a short time with Fodo, chief of the Inhlangu tribe, who was then living on the west side of the Umkomazi. He says, "the name of this village (kraal) is Dumazulu, or Thundering Heavens, and with the other nine, contains from 300 to 400 men, and as each on an average has three wives, the whole population may be estimated at about 3,000." "They describe themselves as having been formerly a powerful nation, the only remains, of which, at present, consist of twenty five villages, ten here, ten more on this side of the Umgeni, and five on the other side, all under the control of Fodo, and male probably amount to between 7,000 and 8,000 souls." (See *Journey*, &c., p. 312.) We have no reason to suppose that the people here referred to, numbered any less in 1843, than at the above period. In 1842, the people on the sources of the Umkomazi and Umzimkulu were put in a general estimate by Dr. Adams, at about 8,000.

In 1844, the same individual (Rev. Dr. Adams) made a trip along the sea coast, southwest of the Umkomazi, and numbered the kraals in the region through which he passed, of which enumeration we have the following memorandum. The Amacele at Umpambongoni, under Umagidigidi 41 kraals, Udonsela 16; John Kane's (Umkatyona) people, 14 kraals, Amalanga, Ufayedwa chief, 23, Fynn's at Umfayanona 6, at Umzumbi 30, Umdelu at Umtwalume—) Dumisa's people 50, Umkalipa 6, which together gives 186 kraals only for that part of the coast region which was thus visited. But this census did not extend to all the tribes and people in that part of the district at that time. The Amohlubi and Amahlongwa living further on towards the Umzimkulu, and found to number 66 kraals in 1848, when also the Umdelu tribe, whose number was not given in the above list, was found to number 30 kraals on the Umtwalume, and some others living in that region before 1843 are omitted in the enumeration.

Although this enumeration was made in 1844, yet we suppose that most if not all of the people, were there the year, at least before. In a letter from Dr. Adams dated May 1839, he says "at the Umsinto river, there are many natives collected, and also at the Umzumbi river. This latter place we regard as an eligible site for a station. The people for the most part are remnants of tribes destroyed by Tyaka, who have been living for several years among the Amaponda." (See *Missionary Herald*, Oct. 37, p. 385.) From

such facts, then, as we have before us as to the population along the coast between the Umkomazi and the Umzimkulu, at the time Natal was adopted as a colony, we believe they might be safely estimated at some twelve or fifteen thousand.

Writing under date of Oct. 12th, 1839, Dr. Adams says, "There are thousands of people residing upon the Tugela, from sixty to a hundred miles from the sea, under the protection of the Dutch, who are ready and would gladly receive missionaries." (See *Missionary Herald*, 1840.) He afterwards visited this people (1845) and found the Amacunu, chief Upakode, to number about 120 towns (or kraals) and about 6,000 souls, the Abatembu, chief Ujobo, numbering about 100 towns, and 5,000 souls, the Amongwona, numbering about 5,000 souls, making a population of about 16,000 souls for these three tribes, which were living in that part of the Natal District before it became a colony. (See *Missionary Herald*, vol. 42, p.p. 191, 192.)

In addition to these estimates in definite numbers made from particular enumerations on the spot and at the times referred to we have also other more general remarks, touching the population of parts of the same localities which were put on record some nine or ten years ago and published in the *Missionary Herald*.

Thus, in a letter of Feb. 1842, Dr. Adams says, "This (Umlazi) station is situated in the midst of a population of 6,000 natives, not including those living with the Dutch" also on the Umlazi. Again in March of the same year, he says, "the country from the Umgeni river, seven miles eastward from the Bay, to the Ilovo twenty miles west of it, is now densely populated."

A letter from Mr. A. Grout, of the same year, speaks of Dr. Adams' having a thousand people to hear him, and says, "he might have as many every Sabbath if the people would all attend who live within two miles of him." He says also that "the people are as numerous on the Umgeni as about the Umlazi." Again he says, "I think there are about twenty-five or thirty hundred within three miles of the house I propose to occupy," on the Umgeni. And again in 1843 he says, "There are about ten thousand inhabitants as near me as the people of a New England preacher are to him, and Dr. Adams has nearly or quite fourteen thousand within the same distance."

Besides these extracts respecting the dense population of particular localities, we may here give one or two showing that at about the time of Her Majesty's adopting Natal as a colony its colored population was some times put in round numbers at 100,000, the same at which it is generally put at the present time. Thus, "The British Government, first of all, resolved upon making this whole region—some fifteen or twenty thousand square miles, with a population of 100,000 Zulus (natives)—one of its Colonies." (*Missionary Herald*, vol. 40, p. 181.) The Rev. Mr. Lindley, writing under date of May 1844, says, "We believe that there are at least a hundred thousand Aborigines in the Natal Territory," "The Aborigines of this country are regarded and are to be treated as British subjects." (See *Annual Report for 1845*, p. 77.) And again the first official efforts to ascertain the number of all the natives inhabiting the different parts of the Natal District after it was adopted as a colony, made them some "80,000 or 100,000," and it was for this number that the locating Committee were instructed to make provision.

*(For continuation of Rev. L. Grout's Evidence see part 5th.)*

**PROCEEDINGS .**  
**OF THE**  
**C O M M I S S I O N**

**APPOINTED TO INQUIRE INTO**  
**THE PAST AND PRESENT STATE OF THE KAFIRS**  
**IN THE DISTRICT OF NATAL, AND**  
**TO REPORT UPON**  
**THEIR FUTURE GOVERNMENT, AND TO SUGGEST SUCH**  
**ARRANGEMENTS AS WILL TEND TO SECURE THE PEACE**  
**AND WELFARE OF THE DISTRICT,**  
**FOR THE INFORMATION OF**  
**HIS HONOR THE LIEUTENANT GOVERNOR.**

---

**PART V.**

---

**NATAL:**

**PRINTED AND PUBLISHED BY J. ARCHBELL AND SON, AT THE**  
**OFFICE OF THE "NATAL INDEPENDENT," AND "NATAL**  
**GOVERNMENT GAZETTE," PIETERMARITZBURG.**

**1853.**

*[Price One Shilling and Sixpence.]*



## PART V.

*Evidence of the Rev. LEWIS GROUT, continued from Part 4.*

Here, then, from these statistics, which were incidentally taken, and many of them given to the public by different persons, in different ways, about the time that this country was declared a colony, and given too without the thought that they would ever be put to the use here made of them—limited and accidental as our statistics are—we are able to name tribes, and point to localities, which give a carefully estimated population of 75 or 83,000 natives, as actually present, occupying in the district of Natal, at the time of its becoming a British colony. And probably this number, together with those who have been born in the country since it became a colony, would cover all but a very small portion of the whole colored population of the Natal colony at the present time.

If, then, it could be now proved, that neither the natives who are now here, nor any of their fathers, ever saw this district of Natal, half-a-dozen years previous to the time of its becoming a British colony, could it be denied that they would still have, one and all, a full and a fair claim to a free residence and an ample possession in the lands of Natal? Were not all the tribes and the mass of the people here in 1843? were they not occupying large portions—all they required—of the country, cultivating the soil, and grazing their cattle upon its fields? And was their residence, occupation, and possession, ever once objected to, or called in question by the British government, or was it conditioned upon anything with which the natives have not complied?

And as to the few others who came or are alleged to have come after the country became a colony,—were they opposed or ever warned not to come? And did they not come before the limits of the colony were named and fixed in 1845 and 1847? And can boundaries be crossed or limits be transgressed before they are named? And again, whether before or after the limits of the colony were fixed, were the few scattering natives who came after 1843, ever told that this was not their land, or that the condition on which they could enter and occupy and inherit, would be other than of those who had been more fortunate, either in remaining here in uninterrupted

occupation, or in coming back from exile, or even for the first time entering at an earlier period? And moreover did not Her Majesty's Government neglect and even refuse to give them up and send them back, when demanded by the neighboring powers from whom they came?

Therefore, on this basis alone might be rested the claims of the natives of Natal to an ample, free, permanent abode and possession in this colony;—that the country was theirs and their rulers, in the eye of law and of nations, till adopted by the British Government; that they were, for the most part, in actual occupation of the soil at that time, were adopted as British subjects, acknowledged to have a right in the lands which they occupied, and solemnly and repeatedly promised that they should be protected in the same, and that no modification of slavery should be allowed in the country.

But the claims of the natives of Natal to a permanent ample possession in the Colony and to the enjoyment of personal liberty may be put upon STILL ANOTHER BASIS.

If it could be now shown that they are not aborigines; and if all the despatches of the British Government, and all the pledges of public faith respecting them, could be recalled or destroyed, and if it could be shown that every soul of them came here since 1843 and 1845 when the limits of the colony were first named; the colored people of Natal would *still have good reasons for laying claim now to as much land as they require for the comforts of a free existence and for the means of improvement.* This will appear if we look at the will of God in respect to the earth and men, and the ground of right in soil, as learned from nature, reason, and revelation; at the providences of God in placing this people here; at the state of the country in respect to population and land; and at the character of the people and their customary pursuits.

1. If we look at the evident will of God in respect to the earth and men, we find that nothing is plainer than that the earth was made to be inhabited and cultivated by men. Men have been placed here with wants which a cultivation of the earth, and nothing else, can supply. Men are made to suffer hunger, and the earth to furnish food; men have minds and hands to till the earth, and teeth to eat the food which tillage produces. The correlative adaptation of the eye to light does not more clearly prove that one was made for the other—the discovery of design in begun existences does not more clearly reveal an intelligent designer, than the fitness of man to cultivate the earth, and the earth, under proper cultivation, to supply the necessities of man, prove that the one has been given to the other for these respective and reciprocal purposes. And such, too, are the teachings of revelation. "The heaven, even the heavens are the Lord's, but the earth hath he given to the children of men," (Psalm 115-16). This gift or loan of earth to man was made with a charge to "subdue it," and with the promise that he who does so "shall be satisfied with bread."

But one man cannot subdue the whole earth, neither can all men

occupy the same spot. And moreover there is no inducement to labor—much less to make improvements—when there is no security for the fruits of labor, and none for the material on which improvements are made. To be therefore of any service to men—to be properly subdued and cultivated—the earth must be properly divided and appropriated among the nations and individuals thereof, and the rightful claims of each must be scrupulously honoured.

But how shall it be distributed? Much of this work has been done already—done more than four thousand years ago by the word or the particular providence of God, than which there can be no higher and better rule. And the record of that division, or title deed is still extant, by which it appears, speaking in general terms, that Asia was allotted to Shem, Africa to Ham, and Europe to Japheth. Or, more particularly, the descendants of Japheth were directed and allowed to people and possess Europe and the N.W. of Asia; those of Ham the southern quarter of the globe, particularly Africa; and the Shemites the countries of central Asia, particularly those around the Euphrates (see Gen. x.)

These different nations and people, therefore, so far as they have respectively continued in the occupation of these several countries or divisions of the earth, have, as nations, all the claims to their several divisions which undisputed prior and continued occupation can give, which is, indeed, the highest claim that can be urged, especially when sanctioned by the word or by the providence of God.

And here, if we mistake not, we find the outlines of the rule which should guide all nations and individuals in every part of the earth at the present time—that the claim or title to land, which comes from a providential, prior, continued, and useful occupation is, and must be paramount. No claims, can be stronger, no better found or purchased. Possession gained in this way, is sanctioned not only by revelation, but also by nature and reason, justice and humanity. It is, however, evident also, from the same sources, that this most righteous and exclusive title, cannot be properly made to cover more land for any nation or man, than it or he actually requires and improves, if others of equal or greater need are thereby deprived of what they also really need, would improve, and cannot elsewhere obtain.

If we mistake not, these views are sustained by the best authorities in moral science and political economy, “when God has given me a desire for any object, and has spread that object before me, and there is no rational creature to contest my claim, I may take that object and use it as I will, subject only to the limitation of those obligations to Him and to my fellow creatures which have been before specified. On this principle is founded my right to enter upon wild and unappropriated lands. This right is sufficient to exclude the right of any subsequent claimant; for, if it has been given to me, that act of gift is valid, until it can be shown by another that it has been annulled. A grant of this sort, however,

applies only to an individual so long as he continues the *locum tenens* and no longer." (Elements of Moral Science by F. Wayland.)

"When the 'sacredness of property' is talked of, it should always be remembered that this sacredness does not belong in the same degree to landed property. No man made the land. It is the original inheritance of the whole species. Public reasons exist for its being appropriated. But if those reasons lost their force, the thing would be unjust. It is no hardship to be excluded from what others have produced. They were not bound to produce it for his use, and he loses nothing by not sharing in what otherwise would not have existed at all. But it is some hardship to be born into the world, and to find all nature's gifts previously engrossed, and no place left for the new comer." (Principles of political Economy by J. S. Mill.)

If by any imaginable process, one-half of the human family could rightfully obtain an absolute and exclusive ownership in the whole earth's surface, then it would be seen that the remaining half created in His image and fitted to derive a happy and virtuous existence from the earth, had been cast by him who made them, into a world where they have no provision for their necessities, no opportunity to answer the end of their creation, no right even to set foot on the soil for an hour. It is needless labor to confute such a monstrous supposition. The intention of God, then is, that the earth shall be so appropriated, as to sustain all its inhabitants. And every man on earth who does not forfeit his birth-right by crime, improvidence, or indolence, has a right to draw subsistence from the earth, as long as it is capable of yielding it. Any appropriation of the soil, under whatever claim, which hinders its yielding subsistence from it, is an encroachment on the rights of God, and a violation of the charter, signed by his own hand, by which he has given the earth to the children of men. The title deed of one's estate from the king, is only a lease from God; under this condition, that the management of it shall be such, as shall, in one way or another, give bread to the hungry and shelter to the homeless." "No right of possession can be stronger than his who enters upon a portion of the soil untenanted and unclaimed by any other man." (See "The Right of Property in Land—its Foundations and its Limits." New Englander, vol. 8, p.p. 224, 225, and 221.)

From these teachings of revelation and natural conscience,—these general principles of moral and political science—we see that, in the original distribution of lands, nations and men cannot properly appropriate to themselves more of the earth than they actually need and properly use, for the purposes of existence and improvement, if by so doing they necessarily deprive others of that which they also need and would properly use. We see also that a more fundamental and righteous claim to land cannot be prefer-



red, than that which is based upon undisputed, prior, continued, providential and useful occupation.

2. With these just and generally admitted principles in mind, let us go a step further and look at facts concerning the recent history and real state of the country and people of which we speak. God, in his providence, has placed this colored people within the district of Natal, and placed them here antecedent to the arrival of most of the white people who are now here. They have been living here for five, ten, or fifteen years at least. We ask not now whence they came or where they originated. Suppose they came from another country and kingdom—from Egypt, China, the Isles of the sea, or down from the moon—they are here—they are human beings, the work of hands divine, and made of the same blood as other men. We ask not now after the precise time when they came. Suffice it, for our present purpose, that in the orderings of God's providence they are here, and that here they have been, as none will deny, for at least five or ten years.

Their residence here during this time has never been forbidden by the authorities of the land. It has been peaceful, becoming, and openly allowed. More than this, when a few of the more recently arrived, have been demanded by a neighbouring king, as the rightful subjects of his power, the government of this land has neglected or refused to give them up, and in this way it has given a practical and public sanction to their right to an ample residence here; and every day's quiet occupation here—every day's pursuit of ordinary business in rearing cattle upon the land and cultivating the soil, during these six or eight years, to say no longer—has only served as a repeated and increasing ratification of that unequivocal former sanction of the right to live here, in the pursuit of all their honest, useful, and customary employments.

Of the white people now residing in the colony, a few—possibly two or three thousand—have been here as long as the period just assigned to the natives; but the majority—all the recent foreign emigrants—came subsequent to 1847, before which time, the natives were generally reckoned—as they now are—at about 100,000. The earlier emigrants from other countries arrived in 1848, to the number of 228; in 1849, there came 622; in 1850, there came 2,942; and in 1851, there came 579. Many, however, have left.

But it is not important to call attention to either the arrival or to the exact number of the white population. We will suppose that they number now present ten thousand, tho' we believe that an accurate census would make them little if any more than half that number. The great point to which we now confine attention is that the colored people of whom we speak have been in *bona fide* occupation of lands, as much as they required, in this colony, for at least five, ten, or fifteen years. And with this in mind we proceed to remark:—

3. The actual state of the country as to both the quantity of land and the number of people admits the right of the natives to a resi-

dence here and to as much land as they require as the means of a comfortable, honest, independent, and respectable livelihood.

The District of Natal is estimated to contain at least 18,000 square miles, or 11,520,000 acres. The number of natives residing here is usually reckoned at about 100,000, and we have put the white people of the colony at the high estimate of 10,000 which together will make a population of 110,000 for the entire colony at the present time.

If, then, the lands of the colony were to be equally distributed to all its inhabitants, it would allow every man, women, and child more than 100 acres each. We do not say that all the land can thus be distributed, or that it ought to be. We hold no such doctrine. But we do say that, in our opinion, there is an abundance of available land for all the Natives within the colony, and for all others actually residing here. And on the supposition that all the present inhabitants were to be liberally supplied with land sufficient for the ordinary practical purposes of life, there would still remain at least one half of the District unoccupied.

What, then, shall be done with these lands? Is it not right that an ample portion of them should be allotted to the natives now residing upon them—to the colored people who have been residing upon them for the last five or ten years, not to say longer? If it could not be shown that they are, for the most part, real aborigines of this very country, and that the great mass of them were here when the District was adopted as a colony, and that the Government has distinctly and publicly admitted the rights of all to land and provided for locating "all," and pledged its faith to secure them in the possession of their lands, would not the simple fact that this people have been residing here unforbidden, occupying, cultivating, grazing lands, as they required, according to their honest customary pursuits, for the last five or ten years, to say no more, would not this alone entitle them to as much land as they absolutely need for procuring a comfortable and independent living from the soil? And would not this seem especially just and right when we remember that this people are acknowledged and taxed as British subjects? The Emigrant Boers on the ground of a much shorter residence and occupation than can be predicated of any native, and that too upon a residence, a portion of which was at first openly disapproved by Her Majesty's Government, and for a part of which time he was actually in arms against his Sovereign,—asked and obtained his six thousand acres in this same district. But during the five or ten years which we now assign to the natives' undisputed and quiet occupation here, the District of Natal, with wars and rumors of wars on every side without, has had peace and safety within, such as few nations of the earth have in the meantime experienced. And as to the length of time during which the natives have been here, all of them, without dispute from any party, they are on a level with the oldest colonist, who obtained his six thousand acres.

Shall the native, then, be expelled from his lands, or be stinted in his allowance? And on what ground—for what reasons? Shall it be done, that his lands may be held in unoccupied waste reserved for the stranger, that may perhaps come at some future time from some distant lands? Shall the hands of the colored man be forced to mischief for his support, or be made to lie idle, and his cattle and his children go hungry, that his lands may lie waste for such an end? Or shall the amount to which he is entitled and which he absolutely needs, be withheld or curtailed that he may thereby be compelled to enter the service of the white man or sell himself as a serf or a slave to the farmer and merchant of a lighter hue? Or shall this land which has been occupied and used by the natives as a means of subsistence, with the sanction of Government for many years, be now taken from their implements of agriculture and from their cattle to be made a matter of merchandize to the government, or of wealth to the opulent? Shall it be taken out of the power of the laborer who would use it, and out of the use of the poor who need it, and be allowed to lie untouched in the hands of the monopolist, or made to swell the treasures of the rich speculator? Shall this land, we ask, which the native inhabits, which he needs, and to which he is entitled for the support of life and the enjoyment of its comforts, be withheld or unduly diminished for any of these mercenary and selfish or useless purposes? Justice and humanity forbid it—wisdom and prudence, benevolence and right say, No,—let not the ignorant native be robbed of his only patrimony—that portion of soil without which an honest independent livelihood is impossible, without which to gain the smallest pittance which existence requires he must become a VILLAIN, or the degraded vassal

“Who begs a brother of the earth  
To give him leave to toil.”

“No effort certainly should be spared by government to educate the masses; but their first great want is HOMES and BREAD. Without these, education and temperance and preaching and praying, will fail in their purpose. They will be palliatives at least. Land monopoly brings into the country a surplus laboring population, whom it first deprives of their natural right to the soil, and then prescribes terms upon which it will give them food and shelter. The price of labor, as of everything else, depends upon the supply and the demand. Land monopoly, by its unholy exactions, makes sure of a large supply and then presents to the famishing laborer the alternatives of death by starvation, or life on such terms as its own MERCY may dictate. Government should prevent this. It is false to its trust, a bastard to its true mission, if it will not. It was never designed that man should be wholly dependent upon his fellow for the bread and breath of life. It was never designed that he should be deprived of a homestead for himself and his family, as a defence against the cold-blooded rapacity of avarice. God never intended that the family bond should be broken when most needed,

and that childhood should be turned naked upon the world, with no home but the street and no moral training but the education and christianity of the pavement. In a world teeming with abundance and 'wrapped round with sweet air, and blessed by sunshine, and abounding with knowledge,' all his intelligent creatures should be permitted to share the pleasures and attain the purpose of existence." (See speech of Hon'ble G. W. Julian, in congress 1851, "On the Bill reported from the Committee on Agriculture, granting to every head of a family a homestead of 160 acres out of the public domain, provided he or she occupy and cultivate the land for an uninterrupted period of five years.")

With these remarks upon the ground of right to property in soil, the providential, continued and approved abode of the natives in Natal; and the present condition of Natal as to people and lands, we proceed to the last general part of this third basis in which the claims of the colored people might be rested, and remark:—

4. The natural constitution, the character and habits and innocent pursuits of the colored people of Natal, go to sustain the views already presented in respect to their claims to a free abode and an ample possession in this country,

The people are constitutionally adapted to the country, they are accustomed to the climate and to the localities which they occupy. Their knowledge of the characteristics of the country and of the soil, of the seasons and their changes, of the habits of the beasts, birds, insects and reptiles, of the qualities of plants and trees, and their experience here in cattle growing, agricultural and other proper pursuits indicate a certain fitness in them for this country, which they have not for some other countries, and indicate also in them a fitness which cannot be alledged to inhere equally in all other people. However primary possession and title are obtained, it is this natural adaptation which will and must sooner or later, settle the question of occupancy. The permanent geographical position of a people will override all the counsels of men, the decrees of kings, and the accidents of battle, whenever these counsels, decrees or accidents run counter to those higher laws of natural fitness which God has assigned.

The law holds in all kingdoms—as well among the races of men, as among animals and vegetables. And in this physical law we find a rule of right by which we are really as much commanded and bound, and in it also a penalty for transgression as certain to follow as in any other code. And when this law which must be right because it conforms to the design of our maker and rests in the necessary relations of things—when this law is duly regarded and followed in the distribution of nations, men and lands—when the nations of the earth and the families thereof are grouped and settled according to their affinities and relation and fitness to physical geography, every family must flourish and every nation must prosper.

Conform the great system of life and society to this law, as full of blessing and of beauty as its Author is of beneficence, and all

classes will find their surest protection from mutual mischief, and so their highest prosperity and happiness. No man's rights can involve another's wrong, and no man's wrongs need be redressed at the sacrifice of another's rights. As the varied and unlike members of the body are all harmoniously adjusted and made to be mutually useful, so all the races of men, with all their national differences and disparities should be so distributed and provided for as to secure real unity in variety, and true sympathy in disparity, preventing hostility from the accidents of color, caste and condition, and making all tribes and classes feel that they are members one of another; and that their mutual interests are inseparable. There is a law for all this—it is a law of nature, of locality, of physical constitution, geography and adaptation, and it is all in harmony with the higher law of morals and religion. In this law the rights of man, their peace and prosperity are all linked together in beautiful harmony.

But our chief object under this head was not so much to remark upon the constitutional fitness of the colored people to the country of Natal, as to say that their well known innocent and universal custom of cultivating the earth and raising cattle as the chief means of a livelihood, in the pursuit of which they were found and have been living without prohibition or limitation, involves their right to follow their useful and innocent pursuits and to have secured to them and their sole use for these purposes, as much land as is necessary to enable them to obtain in this way the comforts and blessings of life.

It is hardly necessary to remark that almost the whole circle of proper industrial pursuits to which the natives are accustomed, consists in cultivating the soil and raising cattle, and that in these two branches, almost exclusively, they are wont to seek and obtain a living. To these pursuits they are trained from early life; they are the same which their fathers followed, and their fathers' fathers. they are honest pursuits, and they are useful; they have the sanction of the bible, and of good men. One of the first commands to man was to subdue the earth, to cultivate the ground from whence he was taken; "he that tilleth his land shall be satisfied with bread;" again, "be thou diligent to know the state of thy flocks, and look well to thy herds, and thou shalt have goats' milk enough for thy food, for the food of thy household, and for the maintenance of thy maidens." David was a keeper of sheep, and so was righteous Abel; Job, Abraham, Lot, and a host of others of whom we read, were husbandmen and owners of herds.

These are pursuits which require land—pursuits which cannot be followed without land, and land too in considerable quantities. Merchants, mechanics, artists, professional men can live by other means, and dispense with land. But not so the man who obtains his bread and all the comforts of life from his cattle, and the pursuits of agriculture; most of his enjoyments are dug from the earth; nay his very existence depends upon his having an ample portion of it.

Will it be said, then, that the natives must change their pursuits! that they must adopt other modes of living? But what better can they have than those which they have chosen and always followed? What, more approved of God? what, more highly sanctioned by the example of the good in all ages? What more celebrated and sung by poets? What, better suited to this people? In what other pursuits can they find more innocent pleasure and profit to themselves, and contribute more certainly, willingly, and permanently to the welfare of the country and the government? "Give homes to the landless multitudes in the country, and you snatch them from crime and starvation—from the prison and the almshouse—and place them in a situation at once the most conducive to virtue, to the prosperity of the country, and to loyalty to its government and laws. Instead of paupers and outcasts, they will become independent citizens and freeholders, pledged by their gratitude to the government, by self-interest, and by the affections of our nature, to consecrate to honest toil the spot on which the family altar is to be erected, and the family circle kept unbroken. They will feel as never before, the value of free institutions, and the obligations resting upon them as citizens. Should a foreign foe invade our shores, having their homes and their firesides to defend, they would rush to the field of deadly strife, carrying with them all the animosity of a personal quarrel." \*

But must the native change his pursuits? This involves, at least, three things—the capital, the skill, and the disposition. And first as to his capital or means—what has he of value save the land on which he lives? As to any other property, he has, perhaps, as many cattle as there are souls in his kraal, an old broken hatchet, a threadbare blanket, a mat, a spoon, a calabash, a dog, a spear, and a shield; this is all.

And secondly, as to his skill or knowledge for other pursuits—what has he? Trained as his fathers were trained to tend cattle and cultivate the soil, what does he know of the thousand and one trades, arts, professions, and pursuits of other men and nations? nothing—truly nothing sufficient to enable him to pursue any of them with independence, satisfaction, and profit, either to himself or others.

In the third place then, with neither the means nor the knowledge requisite, is he prepared to choose other pursuits as a field for employment and a means of living? And if he does not voluntarily renounce his own honest, honorable, and useful profession, for another, where is the power, the right, or the rule to compel him? Has one man a right to say to another, You shall learn my trade, or follow my possession, or you shall leave your family and your own work, and come, *volens volens*, and herd my cattle, groom my horse, spade my garden, bring my wood and water, and work in my

kitchen? Can any man, or any body of men, or any civil power, properly say this to any other man, tribe, or nation? If there be a right and a rule for this, then there is a right and a rule for slavery in all the worst forms that have ever wronged and oppressed any of the sons of Ham.

And has any civil power a right to change the honest and useful pursuits of its citizens or subjects without their consent? Has any government a right to adopt a foreign country as its own, and issue an order to its inhabitants that their mechanics shall turn farmers, or their farmers mechanics? or to say that their sailor boys shall become herders of cattle, and their herders of cattle shall turn sailor boys, or cooks, or grooms, and gardeners? or that any one shall renounce the innocent employment on which he relies for his daily bread, and all the comforts which he enjoys, to adopt any other without his own free consent? the answer is too evident.

It may be for the real interests of the people, and for all parties, that they vary their pursuits, and that some of them learn useful trades, or follow other callings than those to which for ages they have so universally devoted themselves, and we see no objection to aiding and encouraging them to do this in every proper manner. But in our opinion, any and all efforts to compel them to do this, whether by open and direct orders, or by any indirect infringement of their rights, or abridgement of the means of a comfortable and independent livelihood, to which they are fully and justly entitled, must be equally unwise and wrong.

If we mistake not, then, the colored inhabitants of this colony have a right to pursue the useful and innocent avocations to which they are accustomed and in the pursuit of which they were adopted as British subjects. And if they have a right to do this they have a right to their ordinary, appropriate, and sufficient means for doing it. Adapted as graziers and husbandmen, they are justly entitled to such an amount of land as they require for obtaining the comforts and blessings of life in their own chosen and customary pursuits. "Man, we say, has a natural right to life. What are we to understand by this? Surely it will not be contended that it must be construed strictly as a mere right to breathe. Looking no further, and keeping out of sight the great purpose of existence, the right to life implies what the law books call "a right of way" to its enjoyment. It carries necessarily with it the right to the means of living, including not only the elements of light, air, fire, and water, but land also. Without this, man could have no habitation to shelter him from the elements, nor raiment to cover and protect his body, nor food to sustain life. These means of living are not only necessary, but absolutely indispensable. Without them life is impossible, and yet without land they are unattainable, except through the charity of others. They are at the mercy of the landholder. Does government, then, fulfil its mission when it encourages or permits the monopoly of the soil, and thus puts millions in its power, shorn of every right except the right to beg. The right to life is an empty

mockery if man is to be denied a place on the earth on which to establish a home for the shelter and maintenance of his family, and employ his hands in obtaining the food and clothing necessary to his comfort. To say that God has given him the right to live, and at the same time that government may rightfully withhold the means of its enjoyment, except by the permission of others, is not simply an absurdity, but a libel on his providence. Was it ever designed that men should become vagrants and beggars by reason of unjust legislation. Stripped of the right to the soil, robbed of the joys of home, and of those virtues and affections which ripen only in the family circle, reason and justice revolt at such a conclusion. The gift of life, I repeat, is inseparable from the resources by which alone it can be made a blessing and fulfil its end. And this truth is beginning to dawn upon the world. The sentiment is becoming rooted in the great heart of humanity that the right to a home attaches of necessity to a right to live; inasmuch as the physical, moral, and intellectual well-being of each individual cannot be secured without it, and that government is bound to guarantee it to the fullest practicable extent."—*Julian*.

If we mistake not, then, it has been now shown that the natives residing in the Natal colony, are for the most part most truly real aborigines of the Natal country. It has been shown that they and their rulers were the claimants and acknowledged legal possessors of the country till it became a British colony; that when it was declared that it would be adopted as such a colony, and before its limits were assigned the people were here for the most part, and were adopted as British subjects, and that they were acknowledged to have a perfect right to an ample possession in the soil of Natal. And it has been shown, moreover, that this right of theirs to land—as much as they require for the comforts of life and the means of improvement—is sanctioned by the manifold pleasure and providence of God, is admitted most fully by the circumstances of the country, and enforced by a consideration of the character and pursuits of the people.

We will now add further remarks upon a few points already touched upon, but not so fully considered as they might be; particularly the claim of the natives to good land, and to a *suitable quantity*, and his right to *command his own services*.

The native's right to land of a good average quality would naturally follow from his having a right to any land at all, unless there were some special reason or condition to the contrary. But of such reason or condition we have no knowledge. That he has a right to good land is evident from several considerations. His prior occupation of the country, and his aboriginal character indicate this. The principle, first come first served, is as applicable here as anywhere. Again, the government's own free offer of such lands and pledged faith to secure it to the natives, the promise that they should not be restricted or disturbed in their selection and occupation of good land in proof that they are entitled to such. The native



tribes "are not to be restricted in locating themselves to any particular spot or district, nor are they to be excluded from occupying any land whatever which remains at the disposal of the crown. The government will neither disturb them nor allow them to be disturbed in any of their occupations or selections."—(See *Instructions to Mr. Cleote*, 1843, and to the *Commissioners for Locating the Natives*, 1846. Again, "His Honor is disposed to concur with Mr. Cleote in the general expediency of separate locations in the best disposable situations."—(See *Instructions*, &c.) The territory of Natal "seems to afford an abundant space of most fertile country for them."—(See *Instructions*.) "The public faith has also been pledged to the natives not to disturb them in the selection and occupation of any lands remaining at the disposal of the crown."—(See *Instructions*.)

The native has a just claim also to a suitable quantity of good land. We think this is evident from what has been already said. It is involved in his right as an aboriginal inhabitant of the land, and in the fact of his actually and constantly occupying such a quantity. The fact that he absolutely needs it, and that the public acts and pledged faith of the government have recognized such a claim.

We wish only to notice, in this connection, some of the circumstances to be taken into consideration in determining the amount of land required by the natives as a means of comfortable, honest, independent, and respectable living, and as a means of social and moral improvement.

We remark, first, it should not be assumed that, because the native is a barbarian, he therefore requires less land than the civilized man. Living as a barbarian he would really require more land than the civilized man requires. This is evident from the history and condition of all barbarous and civilized nations in all ages. But as a barbarian living in a civilized country or rather under a civil government, can he require and claim less than would be required by the civilized man? We answer, No. If his wants are actually less, so are his skill and ability to supply them; and as the latter increase, so must the former. If his mode of living is less expensive, his mode of cultivating the earth and of obtaining all the means of living are more rude—less remunerative—the more land is required for the less return. And if he must be civilized and work to better advantage, he must also have the wants of civilization and more refinements to supply, and consequently must have the land which such a life requires. In his present circumstances as uncivilized, and in any possible prospective circumstances the native needs, therefore, at least as much land for all the purposes of an honest life as does the civilized man.

We remark again that in calculating the amount of land which the native requires for securing the comforts of life and the means of improvement, not only his unskilful mode of cultivating the earth, and his exclusive habits of living almost entirely upon the pro-

ducts of the soil, must be taken into account, but regard should be had also to those peculiar and unavoidable circumstances which characterize the country and greatly affect the labors and products of the husbandman and the grower. The insects that devour much of the seed before it vegetates in the earth, the worms that cut down the tender stalk or consume the ear, the terrible ravages of the locusts which often cut off an entire crop in one short day, and desolate a country in one season, the rust and the blight that unavoidably ruins some fields, the fearful drought not uncommon in this district, sometimes extending quite through the year and through the country, the ticks or bush lice and the various diseases that injure and destroy cattle, are all important considerations that ought not to be overlooked in judging of the amount of land requisite for a man or a people in this country. These hindrances do not act with uniformity as to either time or place, or strength, yet the agriculturist and grower is liable to suffer from any or all of them at any time. In order for a probable security against famine or to be sure of even a little, the people must plant a greater amount of land than would be required where all these hindrances do not exist. And after the greatest precaution and effort to secure the usual and necessary vegetable food, there may be an entire failure, as was well nigh the case in 1849. The people must then rely almost solely upon their cattle and live upon milk and meat and such roots as they can dig from the earth, or such imported food as they can obtain from abroad. To put this people, then, upon the least allowance sufficient in more favourable countries and circumstances, would be not to afford the means of an honest comfortable subsistence, but to put them in famine when crops are indifferent, and put them to death by starvation when crops are decidedly bad, and moreover to put them up to plunder and to mischief of all kinds at all times.

We have already remarked that the natives of Natal are *entitled to personal liberty*, having a right to command their own labor and services. It is not our purpose here to enter into all the evils and wrongs of slavery, nor to attempt to adduce from nature and revelation all the arguments that can be drawn to show that men, made in the image of God, are designed and ought to be free. The world teems already with books and pamphlets and speeches on this great subject. All that has been said in England and America and elsewhere against injustice, oppression, and wrong of slavery in other lands, is equally applicable to the same system and to "every modification of it" in this land.

We do not deny that the natives are indolent, some of them exceedingly so. But if this is a good ground of compelling service, we know not where it would end. We should have serious fear for other colors than black and other nations than Africa. But perhaps the natives are not so idle as some suppose. They certainly obtain their own living; and if their living is not so expensive as that of many others, their means of obtaining it are also less advan-

tageous. Their agricultural implements and all their apparatus for labor are few and simple and often very rude. But they get a living, and for the last ten years, at least, they have got an honest living from the soil and from the few cattle which they own, together or with the avails of their services to the white people; and this is what some from civilized lands have alledged themselves unable to do in Natal, and in consequence of which have left her shores for climes more favourable.

But we admit that the natives are indolent. We wish they were industrious, and that they would turn their labor to better account. We should rejoice to see them well clad and living in better houses. And we surely have no objection to them working for others; we should rejoice to have them do so, to a still greater extent, not only for the sake of others, but for their own sakes also. But we know of no way in which they can be justly compelled to work for others, either directly or indirectly. We see some of other nations living in this colony in as poor houses and on as poor food—some in just the same houses and on the same kind of food, and some in every respect apparently as idly and as miserably, as the ignorant degraded colored people. Our hearts are pained at this also—we wish it were otherwise. We wish they would labour for themselves or for others and obtain a better support and lead better lives. To this end they may be encouraged and urged; but we know of no way in which they can be forced to it by men or by law, either directly or indirectly, without infringing upon that liberty to which every British subject, every man has a perfect right. And when this latter class is compelled to work for the former—the white for the colored—as some of the colored have been for the whites, we shall say directly “there is in the eye of the law no distinction or disqualification whatever founded on mere distinction of color, origin, language, or creed,” but we should then be compelled to say also that the oppression and abuse and not “the protection of the law in letter and in substance are extended impartially to all alike.”

But on what ground is forcing the natives, directly or indirectly, to labor for the white people, to be justified?—on what can the attempt to justify it be made? Does agricultural and commercial prosperity require their forced services? But it demands justice and right still more. And the country that would have the former at the expense of the latter—prosperity at the expense of justice; runs a fearful hazard, especially here. She incurs the double danger of not gaining what she seeks and of losing even that which she hath—

“Be just, and fear not;  
Let all the ends’ thou aim’st at be thy country’s,  
Thy God’s, and truth’s.”

But is it really for the interest of any country or community, that one part be compelled to serve the other? Is it not for the interest of both the Government and the people—the highest interest of all classes—that those who cultivate the soil, should be, for the most part, the owners of the soil? and that those who labor should do it voluntarily? Such we understand to be the testimony of experience and political economy. It is human nature that he who works freely and for himself will do more and better, than he who works for another by compulsion. In sketching a perfectly organized state of society a certain philosophic writer of the last century says:—"As every man ploughed his own field, cultivation was more active, provisions more abundant, and individual opulence constituted the public wealth." Says another, a statesman of our own day—"It may be taken for granted, as a general truth, that a nation will be powerful and happy, in proportion to the number of independent cultivators of the soil. All experience demonstrates that it is most favourable to agriculture to have every plantation cultivated by its proprietor; nor is it less conducive to the same object, or less important to the general welfare, that every citizen who desires it should be the owner of a plantation and engaged in its cultivation. The disregard of these simple and just principles in the actual policy of nations, has been one of the great scourges of the world. The policy of increasing the number and independence of those who till the ground, in whatever light considered, commends itself to government. England and the countries of western Europe, have risen in prosperity, just in proportion as freedom has been communicated to the occupiers of the soil. The work of tillage was at first carried on by slaves, then by villeins, then by metayers, and finally by farmers; the improvement of these countries keeping pace with these progressive changes in the condition of the cultivation. The same observations would doubtless apply to other countries and to different ages of the world. But I need not go abroad for illustrations of this principle. Look for example, at the slave labor in this country (America). Compare Virginia with Ohio. In the former the soil is tilled by the slave. He feels no interest in the government, because it allows him the exercise of no civil rights. It does not even give him the right to himself. He has of course no interest in the soil upon which he toils. His arm is not nerved, nor his labor lightened by the thought of home, for to him it has no value or sacredness. It is no defence against outrage. His own offspring are the property of another. He does not toil for his family, but for a stranger. His wife and children may be torn from him at any moment, sold like cattle to the trader, and separated from him for ever. Labor brings no new comforts to himself or his family. The motive from which he toils is the lash. He is robbed of his human-

ity by the system which has made him its victim. Can the cultivation of the soil by such a population add wealth and prosperity to the commonwealth? The question answers itself. I need not point to Virginia, with her great natural advantages, her ample resources in all the elements of wealth and power, yet dwindling and dying under the curse of slave labor. But cross the river Ohio, and how changed the scene. Agriculture is in the most thriving condition. The whole land teems with abundance. The owners of the soil are the cultivators, and these constitute the best portion of the population. Labor, instead of being looked upon as degrading, is thus rendered honorable and independent. The ties of interest as well as of affection animate the toils of the husbandman, strengthen his attachment to the government, for the man who loves his home will love his country. His own private emolument and the public good are linked together in his thoughts, and whilst he is rearing a virtuous family in his own homestead, he is contributing wealth and strength to the state. Population is rapidly on the increase, whilst new towns are spring up almost as by magic. Manufactures and the mechanic arts in general, are in a flourishing condition, whilst the country is dotted over with churches, school-houses, and smiling habitations. The secret of all this is the distribution of landed property, and its cultivation by free-men."

If the highest interests of Natal, agriculture and commerce, are wisely consulted—if the great question be simply how shall we dispose of this vast domain and its 100,000 colored inhabitants so as to raise the most produce and make the most money, and secure the highest temporal prosperity of the country? we would say, so far as respects the native, give him as much land as he needs, make it permanently his, encourage him to cultivate it, and by all means lay no law upon the labor of his hands or the produce of his field, which a Briton of the purest blood, or any other man in the image of God, would not brook. The security and increase of a country's wealth cannot be reckoned upon where *humanity* and the *Sovereign* are divorced.

But to consider this question merely in the light of monied interest would be to commit the fault of that least erected spirit that fell from heaven, whose

" Looks and thoughts  
Were always downwards bent admiring more  
The riches of Heaven's pavement, trodden gold,  
Than aught divine or holy else enjoyed."

The first great question—that which involves all others—in respect to the natives, as in respect to all people, is, what is right? What does justice, truth, nature, reason, religion divine unbending

right, declare to be their due? Have they a right to employ their own minds and their own hands in their own innocent labors, or have they not? And whether, or not, they do it as wisely and diligently as others think they might or ought, and whether or not, others would like them as serfs or slaves, has the Government under which they live a right to command or to compel them either directly or indirectly, to work for others and to specify the terms, without regard to the native's own pleasure or protestations?

On what ground, we ask again, can a right to such control over them be urged? Are they children of the state, and is this government their parent? "And if children, then heirs"—"joint heirs." And when free institutions are asked and granted for Natal, it might be a matter of justice that the native also should have a voice in public affairs, especially if one object of asking such institutions should be to control his labor or compel his personal services." But the illustration of "children of the state," so often resorted to, goes too far in other respects—for if "children," then the mother state must not simply select the grown up and healthy to work and then turn out the hungry, weak and sickly and all others literally naked upon the cold world. "Men do not seize upon the imbeciles of their own caste to make merchandize of them. Over childhood authority is exerted, and the produce of its labor may be appropriated; but the child is none the less the heir to its own earnings and all its fathers wealth besides. Here is a difference that scouts the pretended analogy and rebukes its imposture."

Is the Zulu or the Kafir inferior to the white man, and therefore bound to labor for him? In what respect inferior? Not surely in his generic nature or constitution. In all that makes the African a man instead of a monkey or some other animal, he is equal to other men, be they of what color or country they may—made by the same hands, in the same image, and of the same blood. And it is on this equality, and not on that of faculties or of their training, and development that the right of rational beings rest. On this equality in which all men have come from the moulding hand of their common Maker, rests their equal right to all their innocent pursuits of life and liberty.

But if in other respects than that which makes the native of Natal a man and not some other animal, he is inferior to some other men or races, than to the entire extent of that difference, abate in reposing trusts in him and also in imposing demands and responsibilities upon them. If there is a difference in wants, and so in favor of the more needy. And is it not on this principle that "the older are taught to serve the younger," and "the greatest to be servant of all,"—that angels minister to men, and that the heroes of our race give their lives in service for the world that lies below them? Be this as it may, every fault given to the native of

Natal, as to other men, brings along with it, from its Divine giver, a grand charter for its free use.

Slavery is wrong everywhere, and so is every modification of it. It is a poor apology that says the native is paid for his services, tho' they are compelled. Five or ten shillings a month, or a cow a year, he may be willing to accept for his voluntary services when he pleases to enter into the engagement—but for his personal freedom!—never. No multiplication of shillings or cattle can be a lawful tender or are equivalent for man's freedom. Its purchase is above all price. So says the Zulu—so says every man.

Nor is it any satisfactory palliation of the wrong of slavery, or of forcing one man to serve another, to whom he is under no obligation, that the time of the involuntary service is limited. The principle that a man may be compelled to involuntary service to another for a month, is the principle that it may be done for life. But this pretended palliation is just the sorest aggravation. In slavery as generally practiced at this day, the slaveholder buys or raises his slave as he does his horse, the slave is his property and is to be so for life or till he pleases to sell him. The longer, therefore, he lives a strong health life, the more valuable and the less expensive he is. In such a slaveholder, there is, therefore, the check of selfinterest, at least against illtreatment and all abuse of the slave. But put a man to more of the expense and trouble of buying or raising his servants—allow him to command their services in the prime of life, in their health and strength, and send them back to their kindred in sickness and old age, and command a fresh supply, ready grown and fit for service, free from fear of loss for illtreatment or overtasking, this is not only to make the oppressed and his kindred bear all the expense of preparing the victim, but also to pay the oppressor a premium for cruelty. Such a palliation of wrong is not to be coveted by the parties who are made to suffer it.

To take a man unimpeached, owing no debt, no captive in war, but an adopted British subject, for whose protection the public faith has been pledged, and put him, contrary to his will, into the service of another, for one month, or one day, what is this but genuine oppression—the essence of slavery? Is it not at war with all the principles of justice and right, and with the fundamental conditions on which Natal was adopted as a British colony? And yet we have great reason to believe that it has been done in Natal the last year, and that some would like to see it continued. But for ourselves we can look upon it only wrong in nature and in principle, and only evil in all its relations and tendencies.

In accordance with the request of the "Native Commission," I have now respectfully given to them such facts and opinions in respect to the natives of Natal, as my means, and their "instructions" have allowed or seemed to require. I have yielded to the solicita-

tions of that Commission, as a duty owed to the British government and to the Natal natives.

To the real interests, permanence, and prosperity of Her Majesty's government in this colony, I cannot be indifferent. Its true mission—"the peace, protection, and salutary control of all classes settled at and surrounding this important part of South Africa," is too closely identified with all the interests of that cause in which I am engaged, to allow of my cherishing aught but the most earnest desire that the high purpose of that mission may be wisely sought and fully attained.

And in my humble opinion there is no effectual way of accomplishing this end without a scrupulous regard for the rights of the people, and especially that portion of the people, and those rights of which we have now spoken. On some points, and perhaps in respect to some of these rights, the people of whom we speak may be stupid, ignorant, careless, but not so in respect to those matters to which we have directed attention. They may not be able to state and define their rights, and tell just how they came by them; but the feeling that in the country where they have a right to reside, there they are entitled to an ample amount of land for the purposes of an honest, independent, and comfortable existence, and are under no obligation to serve a fellow man—their equal—to whom they have done no wrong, owe no debt, and have entered into no voluntary contract—this feeling is interwoven with every heart-string—the first to be cherished, and, probably, the last to be renounced. And as they know not exactly how to state and define those rights as do men of more science, and of more mental and moral refinement, so also they know not how to defend them with the science and refinement, that others might wish them to employ. But for all this, the defence of their rights, when once they have addressed themselves to the task, will not be less earnest than the feeling is deep that they have them. So, at least, we judge from what we know of their character.

As we therefore love, and would most effectually promote the highest welfare of the British Government, we would dissuade her from every wrong, error, and evil, by which we believe such welfare may be endangered or destroyed. After palpable wrongs have multiplied, and serious evils become numerous and unquestionable, and all confidence is lost in the integrity of the men, and the righteousness of the laws set over them, the same pliant mind, the same gentle bearing and peaceful conduct which they have generally shewn in years past, cannot be expected to continue uninterrupted.

Uninformed and dull as the natives may be in respect to some things, it is certain that for a ready and correct perception and appreciation of common justice, and of the leading characteristics of the men, and the tendency of the measures set over them, they are



most famous. We would say, then, let a regard for the eternal and binding principles of right, truth, and justice, be stamped upon every man and upon every measure proposed for the control or consideration of this colored people.

Let it not be supposed that we disapprove of stringent laws, a strict and diligent supervision, and a rigid discipline for this people. Nor do we deny that they are waxing familiar and sometimes bold beyond their proper sphere, tho' we are far from believing that they alone are in fault for all this. But their boldness may be checked, and their conduct regulated; and should be without robbing them of their just claims in the soil of the country, or making them slaves, renegades and fiends. Then let the government over them be vigilant and vigorous, and let it be also most just and righteous, honoring all the claims and providing amply for their improvement. This we urge because it is right in and of itself; and right in the sight of God, and because it is for the interest not merely of the coloured people, but of the whole country, in our opinion, for the highest social, political, and pecuniary interest of every inhabitant of Natal, and every branch of the British government.

We have yielded to the request of the Native Commission and given these facts, principles, and views as a duty which we owe to the natives of the Natal Colony. Our only desire concerning them as subjects of government, and members of society, is, that they may be and become most loyal, intelligent, virtuous, useful and happy. The proper way to these high ends we would have lie open and without hindrance to them. This people, like all others, have both their failings and their faculties for good. We would be neither blind to the one nor abusive of the other. Of their faults, failings, defects,—of their selfishness, instability, and want of veracity, of their positive sins, and gross degradation none need be better informed, or more fully convinced than the writer. But they have also faculties for good and are capable of improvement. They can be instructed and enlightened. They can be made to see their errors, and feel their guilt, and deplore their degradation. All this we know—in some all this we have seen. They have, in kind, all the mental and moral faculties of other men, and if they have not the same in degree and quality, the defect is probably owing more to a want of those privileges and favoring circumstances which others have enjoyed for ages and ages over them, than to any absolute incapacity for greatness and goodness ordained or inherit in their natural constitution. But be this as it may, they are rational moral beings, and have hearts to feel and minds to think and act. And from every precept of the bible, and every principle of morals and humanity we are taught that to them also belong all the privileges and opportunities of improvement, which God has ordained for the children of men. And if they have never yet enjoyed those privileges and opportunities it is the duty of those who have to impart to them. And when they have had the light and the training of christianity as long as the Saxon race, in which we boast, it is not for us to say that they will not be equal to it. If we have rightly read history, they are now but little if any below what we once were.

They belong to that part of God's universal dominion, which is "the world," and into every part of which Christ has commissioned his servants to go with his gospel and teach it to all. They belong to those heathen

nations, and dwell in those distant parts of the earth which the Father promised the Eternal Son for an inheritance and a possession. And, as if to anticipate all the calumny, and silence all the assertions which avarice and infidelity might combine and devise and utter in respect to the incapacity of the African for improvement and christianization, He who hath all knowledge and power and grace gave his immutable word, a special pointed declaration that "Princes shall come out of Egypt; Ethiopia "the land inhabited by people of a black colour) shall stretch out her hands unto God." The spirit of all grace and wisdom and might can enlighten, purify, and elevate them tho' long dead in sin, and their bones very dry; the Almighty can breath into them the breath of eternal life, and raise them up a living, glorious host of true and holy men. All this we say God is both able and disposed to do. And for the accomplishment of it he has sent not only his Son and his Spirit, but also his word and his servants, and, in his own infinite wisdom, after that the world by wisdom knew not God, it pleased God to purpose "by the foolishness of preaching to save them that believe."—1 COR. 1-21.

It is, we say, that we may contribute what is in our power to the peace, and permanent increasing prosperity of the British government and the Natal colony, and that this coloured people may be permitted to enjoy the rights and privileges which God has given and designed for them, that we have spoken and presented our facts and our views and principles.

And may the generous and liberal government which has adopted this country as a colony, and its coloured inhabitants as British subjects, be abundantly enabled and disposed to carry out just and humane principles on which it acted in its promises. Let it not be left to perpetrate wrongs upon a weak, ignorant, and unimpeached people, or to entail upon them evils which shall be felt when the whole race of man and the world itself shall have passed away. But let the plighted faith of this mighty christian government, let her wisdom and goodness and her power secure to this degraded and needy, tho' in many respects a noble and promising race, all the rights which their Maker has ordained for them, and all the privileges and blessings which His Son and Spirit and Word have set before them.

LEWIS GROUT.

Umsumdzwi Mission Station, Inanda Location.  
December 28th, 1852.

## EVIDENCE OF J. S. MARITZ, Esq.

E. Tatham Esq.,  
Secretary to the Kafir Commission.

Sir,—In reply to your letter I have the honor to acquaint you with the following as my view of the Kafir question.

I regard the removal of the Kafirs so necessary that I expect no contradiction. The Kafirs will certainly undertake something malicious against the white inhabitants of this colony. The Kafirs should not be allowed to go on in idleness, this will increase more and more, and the Kafirs will not be contented after all; but, on the contrary, be brought to great imaginations, and because

they are blood-thirsty and outrageous by nature they will undertake dangerous steps against the whites, as it is known that repeated murders are committed amongst themselves. And as they are also numerous and therefore powerful, they would be able to execute such an undertaking. They regard the annual taxes as burthensome, and are encouraged in their discontent, notwithstanding those taxes are highly equitable and necessary, and ought to be continued. As regards the manner of removing the Kafirs, I think the government will manage that, and find out the means, as the former Boer government did in such cases, before the case became complicated by foolish indulgence.

I regard it my duty, however, to inform the government that I consider it highly dangerous to locate the Kafirs over the Umcomas, because there are already more there than is desirable for the safety of this country; so much so that I think it advisable to establish a military post in that locality. I would rather see them located beyond the Buffalo River. Panda will not put them to death if he is admonished against it by government; they will then be more hemmed in, and therefore have less opportunity to do mischief. Care must, however, be taken that a strong military force is kept up there to secure our safety, and prevent an insurrection. This must be placed on this side of the river.

An exception must, however, be made with some Kafir chiefs whose locations are favorably situated and useful for the colony as a defence against the Bushmen. They must, therefore, not be removed, because that land is fruitful, and good for cattle—I mean Sikali, Langabullala, and others in those regions, but they must be better located, for many are, from what I have heard, still living on farms of the white inhabitants.

Having observed that objections have been made to the proposition that young Kafir boys and girls should be placed in the service of the white inhabitants for the purpose of learning to work, as being subversive of their liberty. I feel myself bound to refute the same.

Experience has taught us that the Kafirs who have been brought up by the white people not only become the most useful but also the most esteemed by their own people and by the missionaries as examples in learning and industry.

If this can therefore be called a deprivation of liberty, then it only stands on an equal footing with the salutary restraint which a child is compelled to for his own interest and that of society. Too much liberty for the Kafir leads to licentiousness, and is detrimental for all stations of life. The liberty of the one then easily becomes a burthen to the other, and causes the most fatal consequences to both. The Dutch African Boer should not be misunderstood; he wishes only the necessary limitation of the too great

and prejudicial liberty of these full grown uncivilized children without any maltreatment. This was not allowed under the farmer's government to be committed unpunished.

The Dutch African Boer will not allow the Kafirs to become worse through caprice and inactivity, which if it does not absolutely become too late to check them, nothing but force will stop them. He will rather impose salutary restraints in time, so as to avoid fearful bloodshed, as the tragical history of the Cape Colony taught him. I am therefore positively in favor of the young Kafirs becoming serviceable, because idleness is the pillow of the devil. No maltreatment, however, much less slavery must be allowed. If the daily increasing boldness and presumption of the Kafirs is not checked or limited in time, I dread the most wretched consequences for the future.

If the government find the abovementioned hints impracticable and connected with too many difficulties, the Kafirs could then be placed elsewhere, where it is considered safer, but in smaller locations, because the present are too extensive to allow a watchful eye to be kept over them.

The government would, however, do well to consider the matter maturely, and grant to the Kafirs lands that may remain in their possession, and not be required for other purposes.

Trusting that these few hints will be well understood, and be found useful,

I have the honor to be,

Sir,

Your obedient servant,

J. S. MARITZ.

## EVIDENCE OF THE REV. A. GROUT.

Umvoti Mission Station,  
28th December, 1852.

Sir,—In fulfilment of the promise I made in my letter to you of yesterday, I sit down to communicate what I am able on the topics embraced in His Honor's instructions to the Native Commission.

I am an American missionary, sent out and patronized by the American Board of Commissioners for Foreign Missions. I arrived at Natal in December, 1835; visited Udingane, Chief of the Zulus, and obtained permission from him to locate as a missionary

in his country. I then went to Port Elizabeth by ship, and returned again to Natal through Kafirland, arriving in June, 1836. In August of the same year I proceeded to the Zulu country, and there built—frequently visiting Udingane at his capital. In November, 1837 I left, and went to America. Returning, I arrived at Natal in June, 1840, and remained one year with Dr. Adams, at Umlazi River. In June of 1841 I again went to the Zulu country, where Umpande was now king, and remained about sixteen months, when I returned to Natal. In 1844 I went to Cape Town, and after an absence of five months returned to Natal, when I commenced my present station at Umvoti, where I have remained to the present time.

As respects the natives at Natal on my first arrival, their number was generally estimated at about 4000. They were living along the coast from the Umgeni to the Ilovu rivers, a portion were beyond the Umkomazi river, and another portion were a short distance from the present site of Pietermaritzburg, and were called Bushmen, under Fodo.

When Umpande fled from Udingane, who was seeking his life, which was during my absence in America in 1839, nearly half the Zulu population followed him into the Natal colony, and a great number of the people, chiefly remnants of tribes which had been subdued and forced away from this colony by Chaka, at once dispersed, determining now to re-occupy the territory of their fathers where many of them had been born. This at once made a very considerable population at Natal. Some, however, have come in from all sides of the country, and from all the neighbouring tribes. Many of these, however, were people who fled before the conqueror Chaka, and availed themselves of the protection of white men, when they assumed the control of the country. Hence, on enquiry being recently made by different members of our mission, in their neighbourhood, as to what tribes originally lived in this land, where they lived, and where they now are, we learned that the great mass of the present population of Natal are remnants of tribes which lived in the country previous to the rule of Chaka. The facts which the various members collected were transmitted to the Rev. L. Grout, to be put together, and as he is one who has been proposed to be examined before the Commission, I have no doubt he will place those facts at the disposal of that body.

As to the causes which led to the introduction of natives not aboriginal, the more just, mild, and good government of the whites has been the chief inducement for them to change their residence; particularly has this been the case with those who have come, and continue to come from Umpande's country. Nearly all who leave the Zulu country, do so under sentence of death, and would be killed if they did not leave.

Many each year expose themselves to death by not joining Um-

pande's commando which is sent out to destroy neighbouring tribes, and seize their cattle. So many people are usually killed on such occasions, that they fear to go, and offer some apology for not going. Then they know on the return of the commando that they shall be accused to the king and put to death, therefore they abscond.

That the people would not leave if death was not the punishment for such offences, I fully satisfied myself when living among them. Many said to me that they loved their country and people; and fleeing through an uninhabited country of more than a day's walk, being frequently robbed by Natal natives on their arrival here, and otherwise badly treated, and suffering so much in various ways by removal, loss of rank, &c., all this, and much more present so many objections to removal, that one in five hundred who now leave the Zulus would not do so, though they suffered the loss of all things else, but had their lives spared them. And now the question simply resolves itself into this, shall the people be allowed to emigrate to this colony and save their lives, or be put to death?

And if driven back after leaving, or if detected escaping, or preparing to escape, they are sure to be put to death. If Umpande should promise not to kill a deserter on being returned to him, he would most certainly evade his promise in same way, as Udingane did, when Captain Gardiner brought back to him a man under the most solemn promise that he would not put him to death. yet he immediately shut him up in a hut in the presence of Capt. Gardiner and there starved him to death.

As to preventing emigration from Zululand to this colony, there is positively but one remedy, viz, to improve the Zulu Government. This might have been done effectually eight years ago. When natives left the Zulu country with cattle which were strictly their own previous to leaving, if this Government had recognized their title to them, and protected them in their rights, there would have been no difficulty now with Umpande's government. Now, however, it might be a serious matter to take such a stand.

Yet now, if Her Majesty's Government at Natal would take frequent occasion to remonstrate with Umpande on the evils and wickedness of putting to death so frequently, telling him that his people fleeing from death must be protected here, that would have some effect.

Severely remonstrating with him for sending out his people for death and plunder, and repeating it each time he should do it, would also have effect.

As to the natives living on locations large or small, or elsewhere, and their government, I would always act in view of the questions—What will elevate them most? Make them the best citizens? Most valuable subjects? In fine, what will fit them best for their destinies in time and eternity? In view of such questions, I can

see no objections to their being left on large locations. As to facilities for rising in rebellion, they will do so however situated, if they have grievances of sufficient magnitude to induce to it; yet it is so rare that any people do rebel who are governed by just and good laws, that if I were assured that this people would be so governed, I would never trouble myself to enquire if they would rebel.

If a heathen people can be instructed and encouraged, so as to get titles to land and other fixed property, they will not rebel for a light occasion.

In view of facts and statistics already collected, and which I suppose will be presented to the Commission, it seems to me that the great mass of natives at present in the colony are fairly aborigines of this colony, and have been made British subjects by the course pursued by Her Majesty's Government at Natal. When the Proclamations were issued from time to time, making and constituting Natal British Territory, it was done with most of the present natives then in it, and with the knowledge of their being on it. A prominent object in taking the territory was, to protect the natives. They have always been and continue to be called British subjects. I would then treat them, as nearly as possible, in such a manner that they should never have occasion to say that Her Majesty's white subjects have been favored above them. I would give them ground enough to enable them to live free and independently on it. I would allow them to live, either by raising cattle, or cultivating the ground as they please. I would leave it for each one to determine for himself how, when, or where he should labor, either for himself or for others, or not at all. In all these respects I would do with, and by black people just as I would do with white, nothing doubting but each man's wants and interests will ultimately bring about a better supply of labor, and do it more satisfactorily than can be supplied by legislation.

It would not have mattered so much in the first place, whether the Locations had been large or small, but as they have been put into their present shape, and the people in moving on to them, were told that the ground had been appropriated to their use, and they in locating on them, understood that the ground was theirs, I would neither remove them from the locations nor reduce their size.

I would have the natives live in a country not difficult of access.

The power of native chiefs ought to be under control, and could very easily be brought, and kept under by wise magistrates. In my opinion all desirable service, for some time to come, can be obtained of the chiefs, as well without a salary as with. I speak with reference to those whom I know. Giving them a salary would materially increase their power.

The established laws of the natives on many subjects are very good, yet by bad rulers, and unprincipled men, they are so perverted, as very much to defeat the object of laws. Bribery is nearly universal. If a man has the means of bribery he is sure of his cause. The greater a man is too, the less can the law affect him,—indeed the king can do no wrong.

Men and women arrive at majority at their marriage, whether that take place sooner or later. In this Colony there are but few unmarried people at the age of twenty. In Zululand, men are not allowed to marry till the king gives permission; and because all are soldiers, embodied in regiments while they are boys, and because it is said that unmarried men

fight better than those who have families the king withholds the liberty to marry as long as possible. When a regiment is reported as lax in duty during war, it is often punished by protracting its celibacy. The men of some regiments are thirty or thirty five years of age before they are allowed to marry.

I know of no way by which I think any considerable civil influence can safely be exerted to bring polygamy to an end. Polygamy is their idol. When that is touched, politically or civilly, and directly, a chord is struck which will vibrate from one end of the land to the other, and find sympathy in every man's heart. And so, taxing, or taking from them in any way their property, will have no effect whatever on them, farther than to remove the means of effecting their object. When the present generation shall have died, in which a superabundance of women has been made by the death of the men in war, so that the sexes shall become nearly equal, it will not be possible to support polygamy in its present state. And it may be hoped that christianity and civilization will effect something in the meantime to do it away.

The state of the Zulu women is servile in the extreme, and their labour is hard beyond what we would believe they could endure. Yet it being what they were educated to do they think it so much a matter of course that perhaps not one in a thousand would feel or express gratitude if relieved from it.

As to recovering property due, it is a rule of universal application that a native never pays a debt till obliged to do so. Many would choose not to have property come into their possession, if they must pay a debt with it. So, if an article is borrowed, the rule is to keep it till the owner sends for it. As to removing natives beyond the Umkomansie, perhaps no very serious objection would exist, to arrange there for as many as should wish or be willing to go. If force be applied to remove them, I should anticipate bad results. If natives come to know that government wishes them to remove against their will, they will seldom object to it in words, but just sit still. If commanded, they will still remain quiet. If then the police is sent to burn down their kraals they may run away, but where, or how they will next be found is not quite certain, and a colony on the border of such a people, thus expelled, would be in an uncomfortable position in future. Then, again, the number of savages is at once considerably increased in that direction. And when it costs many millions of pounds, and much precious life, to subdue two thirds of the Amaxosa, what will it cost to subdue all Kafirland united? If it be dangerous to place together ten thousand people on one location, who are our friends, and surrounded by us, how will it be when a great many thousands shall be placed in close contact with the present population of Kafirland, having been first made our enemies, by putting them there against their will.

The reasons why more natives have not employed themselves as labourers, and have been so fickle with their employers, have been, as I think, chiefly three;—First, laboring for hire is a thing never done by them in their original state; secondly, they have not yet learned the value and utility of money so as to be strongly induced to acquire it; thirdly, they have not yet seen the importance of learning, while young, to do business which will be profitable to



them in subsequent life. In all these respects, however, there is already a very visible improvement, and if men requiring labor, will exercise a little patience, till the experience of natives shall teach them on these points, the market will be filled with men seeking employment. I am sure, every observer will have noticed a decided change on this subject during the past year, and every year the change will become more and more apparent. A change thus brought about, will be infinitely better, than one induced at all by force.

As to the Magistrates to be placed over the natives, much, I may say everything depends on their character and qualifications. The suggestion of the Honorable the Recorder in his testimony before the Commission is important, viz., "To each of these locations I would recommend the immediate appointment of a gentleman, in the strict sense of the word, of known humanity and enlightened mind, and, as a *sine qua non*, married to a wife, who should have to reside and be with him on those locations." The recommendation of the Commissioners for locating the natives in their Report of March 30, 1847 is also to the same effect, viz., "With regard to the first proposal, we are of opinion that much depends upon the description of persons appointed to the office of superintendent or resident agent. We think it indispensable that this officer should be a person of high moral standing, sound judgment, and decision of character; one who, from his education and conduct, will command respect of his fellow countrymen independent of his office; whose motives for action may never become a matter of question, even with the natives, much less with the white man, and that he in particular, and all under him if possible should be conversant with the language of the natives." All this is highly important.

In proportion as civilization is preferable to heathenism, I would have magistrates adopt as far as possible and maintain civilized forms and usages. I would do this scrupulously and from principle in every day life, and as far as wisdom would dictate I would do it in forms of court and law. Such a course, I conceive, would do much both to destroy the power of chieftainship and promote civilization.

The bone and muscle of chieftainship consist in the right of the chief to demand, gratuitously, the service of his people to provide both for his subsistence and aggrandisement. The chief may at his pleasure call his people to plant his gardens and harvest them, to make his beer and bring it to him, as also any food he may require, and not simply for his own use, but that he may have an abundance with which to be royally hospitable. He may call them when he pleases to build kraals for him, and perform any labour he may desire. He may keep any number of people about him he may need, and as long as he pleases, for any kind of service without the least compensation. He may also call his people at

any time for the purposes of war and plunder. This is chieftainship; and we may say that most of it is indispensable in a heathen chief's being and government. The services of the people in this way are his salary, his living, and it is rendered by the people as their tax, to support the chief and his government, and in a heathen state we do not see anything to recommend as a substitute.

In the colony, however, this whole thing may be abandoned, and I understand that Her Majesty's Government propose to abandon it. The people pay a tax to support Government, and magistrates are paid a salary, deemed sufficient for their independent support. And if I wished most effectually and without offence to destroy the power of chiefs, I would be sure to effect it by abandoning this whole thing in the magistrates, who are to be above the chiefs, and an example to them.

I would give them a competent support in the form of a salary, and have them live just as a magistrate does in a civilized village,—buying and paying for everything he has, whether food, labor, or messengers. And as presents are by the people usually regarded in the light of bribes, or to procure royal favor, I would have the magistrate never receive a present from them. In this way the people seeing the magistrate who has become chief to them, requiring of them nothing but their tax, and at the same time by his rule takes away the power of the chiefs to oppress them, will, of course, cease to support the power of the chiefs. If a magistrate is to see that strict justice is to exist between man and man, I would have him begin by setting an example himself. Neither would such a change under such circumstances be opposed by the people. They expect white men in their government to practise and recommend civilized customs.

As to heathen practices, such as conflict with civilization and christianity, I would discontinue such as could be safely done away. Such as I must, I would tolerate, but would never patronize or show my approval of anything conflicting with civilization, but on the contrary would seize on all suitable occasions to shew my disapproval of them and the reasons why they are objectionable. No occasion affords so good an opportunity to impress people with the evils of bad laws and customs as the close of a case in court, where the evils have been elicited by evidence. Remarks then made, shewing that all the evils thus portrayed were the results of bad customs and laws, and that the adoption of other customs would prevent the recurrence of the evils, would tell powerfully on the people,—all at the same time seeing an application of the magistrate's remarks in his own life and example before them.

Civilization thus encouraged would soon remove the reproach that now attaches to a clean garment on a native.

I have the honor to be, Sir,

Your most obedient servant,

A. GROUT.

*ELEVENTH MEETING.*

MONDAY, 10TH JANUARY, 1853,

*Present,*

The Hon. Jno. Bird, Esq.  
 Theo. Shepstone, Esq.  
 Jno. Moreland, Esq.  
 F. O. Scheepers, Esq.  
 W. Macfarlane, Esq.  
 J. N. Boshof, Esq.  
 P. A. R. Otto, Esq.  
 Capt. Struben  
 Dirk Uys, Esq.  
 Dr. Addison.

Minutes of preceeding meeting read.

The presiding member (Mr. Bird) explains that the President (Mr. Harding) is incapacitated by ill health from attending at this meeting; but that Mr. Harding has expressed to him his opinion that although owing to the tardiness of the press all the evidence received is not yet printed, still that this circumstance need not be a bar to the Commission proceeding to consider their report, since the manuscripts may be read. This it will be for the meeting to consider. Of forty-one witnesses whom it had been proposed to examine, the evidence of twenty-eight had been received, thirteen remain, but of these not more than six or seven will, probably, have much new evidence to offer. The Commissioners may consider whether they will have the manuscripts read, or whether it should be first discussed if, under existing circumstances, it is possible to consider the report. It would, perhaps, be best to proceed with the written evidence, as by this no time would be lost, and the Committee would be occupied until the President should be able to state his views as to the most expedient mode of conducting the business of the Commission at its present stage.

Mr. Moreland objects to the confirmation of the last resolution noted on the minutes of the preceeding meeting, as having been irregularly adopted after the hour appointed for the suspension of business, and the departure of several of the members.

Mr. Bird gives reasons for considering the question as unnecessary.

Mr. Otto enquires whether it would be competent after that resolution to examine new witnesses.

Mr. Bird thinks that if the Committee regard it as necessary they may do so.

It is proposed by Mr. Macfarlane, and unanimously resolved, that the minutes of the last meeting shall be confirmed, subject to the reservation "that the Committee have the power to examine any further witnesses they may think important."

Mr. Scheepers mentions that the Dutch members were deprived of the proceedings and evidence in Dutch, and thereby were prevented attending this meeting.

Capt. Struben states that he was instructed to assign as reason for the Dutch members not appearing—first, that the letters calling this meeting had not been received in time—secondly, that the rivers were swollen by the late rains—and thirdly, that they had not received the proceedings in their own language, and therefore could not offer any suggestions on the consideration of the report.

Mr. Bird explains that he is aware of the promise which had been given to the Dutch members that translations of all evidence and proceedings should be forwarded to them, in order that they should be made acquainted with everything that transpired either for their opinion or that they might thereby be enabled to assist in framing the report. Every possible effort, he is also aware, had been made to redeem that promise, but it was not possible at last meeting to foresee the great bulk of evidence which has been since then forwarded to the commission. Two presses have been wholly occupied upon the evidence; as much as could be translated has been printed; and the notices of this meeting were deferred until the last moment, in the hope that the evidence in Dutch might be sent with them. But this day was fixed, and it was only on this morning that a portion of the Dutch print was received. Mr. Bird much regrets that the Dutch members have been placed at this disadvantage, but wishes to assure them that no effort has been wanting to render this otherwise.

Capt. Struben states that he is convinced no Dutch member attributed this occurrence to any neglect; they could not, however, come in to frame a report while they were unacquainted with all that had transpired.

Mr. Shepstone proposes that the interpreters' and translator's explanation be taken as to the reason why the translation has been so tardy, and that his explanation be transmitted to the Dutch members—Seconded by Capt. Struben. Mr. Bird also thinks that the printer should be called upon to explain on this head.

Mr. Shepstone's proposition put and carried unanimously.

Mr. Zeitsman called upon.

*By Mr. Bird*—I believe you are the interpreter and translator to the Commission?—I am.

Will you state how many hours each day you have been employed in translating, since our last meeting?—I am generally employed from 7 a. m. until 10 p.m. each day, with short intervals of rest of an hour or so. I was also employed to interpret before the Commission for 10 days.

What quantity of translation have you finished?—I have finished the whole of the first six meetings, the whole of Mr. Van Staden's, and part of Mr. Boshof's evidence.

How far has the printing advanced;—It keeps pace with my work. I think there has been no delay with the printing.

*By Capt. Struben.*—Have the printers had occasion to wait for you?—They have worked slowly to accommodate me.

You say you have occupied your time from 7 until 10 each day. The ten meetings have occupied 63 hours, sitting for 10 days; you have had 60 days to translate what was written by the Secretary in 63 hours.

Mr Zeitsman explains that much matter from the Blue Books and other official documents have been translated by him which the Secretary did not write out, but only referred to them by marginal references.

How many pages can you translate in a day?—12 pages—3 sheets.

Mr. Moreland here remarks that there were only three sheets printed in three weeks in English.

Mr. Moll, Dutch compositor called.

*By Mr. Bird.*—How long, Mr. Moll, does it take you to set three sheets of Mr. Zeitsman's writing, or how many sheets can you set in a day?—About six sheets by myself alone, but 9 in emergency.

Capt. Struben proposes that two additional translators be employed in order that the press may be constantly furnished with work.

Seconded by Mr. Moreland and carried unanimously.

Mr. Moreland moves that the whole evidence, both in Dutch and English, be printed, and copies transmitted as printed to each member of the Commission; and that when the whole of the evidence is printed the President be requested to instruct the Secretary to forward the remainder of the printed evidence to the members, with intimation that a meeting of the Commission will take place a fortnight from the date of such transmission.

Seconded by Mr. Macfarlane, and carried unanimously.

Mr. Shepstone wishes that a calculation could be made as to the time to be taken in printing, and after it has been closed how long members of the Commission shall be given to read it?

Mr. Macfarlane proposes that an analytical index be drawn up by a sub-committee from the printed evidence.

Seconded by Capt. Struben, and carried unanimously.

Mr. Macfarlane proposes that the sub-committee shall consist of five of the members, and that three of that number shall form a quorum; also desires that the services of the Secretary be obtained to assist the sub-committee.

Seconded by Mr. Boshof, and carried unanimously.

Mr. Macfarlane proposes as members of the sub-committee. Mr. Shepstone and Dr. Addison; Mr. Shepstone proposes Mr. Macfarlane and Mr. Moreland. Mr. Otto proposes Mr. Barter. Carried unanimously.

Mr. Bird puts to the meeting that no evidence shall be received from those witnesses who have already been applied to, after 1st February next; and proposes that the Secretary be instructed to

write to each of them in their own language to that effect, forwarding his letters by special messengers.

Seconded by Mr Moreland.

*Ayes.*

Mr. Shepstone  
Mr. Uys  
Capt. Struben  
Mr. Moreland  
Mr. Otto  
Mr. Scheepers  
Mr. Macfarlane  
Dr. Addison  
President, Mr. Bird.

*Noes.*

Mr. Boshof

Carried by a majority of eight.

Mr. Macfarlane proposes that Mr. Harding be examined.

Seconded by Mr. Otto.

President puts the question to the meeting.

*Ayes.*

Mr. Uys  
Capt. Struben  
Mr. Moreland  
Mr. Otto  
Dr. Addison  
Mr. Scheepers  
Mr. Macfarlane

*Noes.*

Mr. Boshof  
Mr. Shepstone  
The President, Mr. Bird

Carried by a majority of four

Mr. Otto proposes that the printer be called before the Commission to state the time at which he will send in the quantity of evidence which is at present at his office, that is, including the last evidence sent to him, viz., that of the Rev. Alden Grout.

Seconded by Capt. Struben, and carried unanimously.

Mr. Archbell is called, and explains that he has used every effort to facilitate the printing of the evidence, and at the same time promises that the remainder of the evidence now in his office shall be printed within three weeks from this date.

Mr. Otto proposes that the sub-committee already appointed to form an analytical index of the evidence, shall be also appointed to superintend the printing, and to adopt such measures as shall in every way facilitate it.

Seconded by Capt. Struben, and carried unanimously.

Meeting adjourned at half-past two o'clock, to meet to-morrow (Tuesday) at ten o'clock.

(Signed,)

EDMUND TATHAM,  
Secretary

*TWELFTH MEETING.*

TUESDAY, 11TH JANUARY, 1853.

## PRESENT.

The Honorable W. Harding, President.

The Honorable John Bird.

Captain Struben.

R. R. Ryley, Esquire.

D. C. Uys, Esquire.

P. A. R. Otto, Esquire.

F. C. Scheepers, Esquire.

C. Barter, Esquire.

W. Macfarlane, Esquire.

Dr. Addison.

John Moreland, Esquire.

Theo. Shepstone, Esquire.

Minutes of preceding Meeting read,

The President refers to the last resolution of the tenth meeting, which he reads, and remarks that consequently upon that resolution the meetings of commission stood adjourned for the consideration of the report, and that therefore he objected to the confirmation of the minutes of meeting of yesterday, as the proceedings appeared to him irregular. The resolution which he had just read had been proposed by him to ensure the speedy termination of the sittings of the commission, which, for many reasons, he held most essential, and that he has still more important reasons now for desiring that expedition, in proceeding to report, should be used. The Commission yesterday seem to have re-opened for examination of witnesses, and he would suggest that a limit should be put to these examinations,—say a certain day—or he feared the Commission would be many months before they could come to any conclusion. Before the business of this day was proceeded with a resolution should be passed, that after a certain day no more evidence should be received. Why should the Commission await the printing of the evidence before coming to the report? Thinks it quite competent for them to proceed with the report, after having had the evidence, which has not yet been printed, read over to them from the manuscripts. In such an event they can proceed to consider report at once. As far as he (the President) is personally concerned he does not wish to curtail the proceedings of the Commission in any respect, but as far as the colony is concerned he thinks a speedy termination of the proceedings of this Commission is imperatively necessary :—therefore,

*President proposes*—That the manuscript evidence be read to the Commission, and that they thereafter proceed to the consideration of their report.

The President remarks that before adopting yesterday's minutes,

he would observe that it is perfectly consistent that the Secretary should make such an index as proposed therein by Mr. Macfarlane, and thinks that such a sub-committee would give rise to many objections, therefore he wishes the Commission to re-consider that resolution.

Mr. Bird remarks that he cordially agrees with the necessity for the appointment of a sub-committee to draw analytical index, as he is convinced that the more members that are employed therein, the more complete it will be.

Proposed by the President that no further evidence shall be received after 1st February next, either written or oral.

Seconded by Captain Struben.

Mr. Moreland moves as an amendment that the minutes and resolutions of yesterday be confirmed, or the particular resolution referred to in the Presidents motion.

Mr. Bird observed, that yesterday every wish was expressed by all members present, to facilitate matters in every possible and proper way, but notwithstanding this desire, it was held unwise to pass any resolution which should fetter them in receiving any more evidence,—even at the last moment such evidence might be found most necessary in drawing report.

Mr. Macfarlane agrees with Mr. Bird, and would add that it is for the Commission in majority to decide what further evidence shall be taken.

Captain Struben explains, that having since yesterday considered the matter more fully than he was able to do during the sitting, he has seen good reasons for changing his opinion, and now thinks that even a month's further delay may cause great difficulty,—as at present any witness that chooses to do so may add to his further evidence. Of the two evils he would recommend the Commission to choose the least, and at once proceed to draw up report from the very voluminous evidence now in their possession, involving, in his opinion, every necessary point, and affording ample matter.

Mr. Barter observes that if the Commission have already gained ample evidence in every necessary point, of course it will not be necessary to proceed further with examinations, and therefore any bar to such a proceeding is wholly unnecessary.

Mr. President's proposition put to the meeting.

For Proposition.

Captain Struben.

Mr Uys.

For Mr. Moreland's Amendment.

Mr. Bird.

Riley.

Otto.

Scheepers

Barter

Macfarlane

Dr. Addison

Mr. Moreland

Shepstone.



Mr. Scheepers remarks that if Captain Struben has the expressed opinions relative to the report of the members resident in Klip River Division, he (Mr. Scheepers) can give the same from those members who reside at Mooi River, in which case, perhaps, report might be proceeded with, and the Dutch members furnished with copies of the evidence in their own language, after report was finished.

Captain Struben replies that he has been instructed by the members in Klip River Division, in the event of necessity, to lay before the Board their wishes that he should take his own judgment in framing the report for them. This he is now prepared to do, as he thinks that necessity for such a step does exist, and he would proceed in the manuscript. He is prepared to give this subject in writing to the Commission if they desire it.

Mr. Macfarlane holds that it is quite incompetent for any members to give Captain Struben authority for such a purpose.

Mr. Moreland proposes that the resolution of yesterday, as to forwarding all the evidence to Dutch members, with a note from Secretary that a meeting will be held for consideration of report a fortnight after close of same, be confirmed.

Seconded by Mr. Barter.

Mr. Bird observes respecting the fixing of an early day for the report, that the meeting should bear in mind that all this was fully discussed at yesterday's meeting, when it was carried by majority, that the evidence complete must be in the hands of all the members, in their own language, before any report could be made. It was found that this could be done by the printer as quickly as if written copies were made, and oral translation was held to be bad. It had, therefore, yesterday been proposed and carried, that a fortnight should be given after the conclusion of the printing, and that then the members should meet for their report; it would be unjust to come to any other arrangement. It is necessary to act speedily, but not unjustly. For these reasons, therefore, Mr. Bird must cordially agree with Mr. Moreland's motion.

Mr. President explains that in his proposition he wished to summon all members afresh, and so lay the whole evidence before them though not in print,—such a proceeding could not, in his opinion, be unjust.

Mr. Bird disclaims intention of imputing anything unjust to the President, his sole object was to shew that the resolutions of yesterday fixed the earliest time at which the Commission could meet for consideration of its report.

Mr. President observes that he understands, then, that the resolution of yesterday, as to transmission of evidence to Dutch members, and that a fortnight thereafter be fixed for the meeting on the report, is confirmed.

Mr. Uys proposes that the meeting decide on one point—that is, —whether it is possible to print evidence, and get through all the

translation, in five weeks. If this can't be done, he would recommend that two copies in Dutch be made, one of which shall be placed in the hands of Captain Struben, and the other in the hands of Mr. Scheepers, who would, he had no doubt, forward the same for the information of the members in their neighbourhood.

Mr. President remarks that the Commission have already decided to wait the printing of the whole evidence, and to give the members fourteen days thereafter before entering upon the consideration of the report.

Mr. President submits to the meeting that it is quite unnecessary to appoint a sub-committee to form an analytical index : he decidedly dissents from the original resolution on this head, on the ground that it is unnecessary to appoint a sub-committee of five members of this Commission to prepare an index to the evidence already written, which could have been performed by the Secretary.

Minutes of proceedings of yesterday confirmed by majority.

Mr. Zeitsman explains further as to the delay which has arisen in the translations.

Mr. Bird proposes that the Secretary of the Commission be instructed to apply to the Secretary to Government for the appointment of two more translators. .

Seconded by Mr. Otto.

Carried unanimously.

Resolved unanimously that the examination of Mr. Harding take place at a meeting to be called by the President, two or three days before the date to be fixed for consideration of report.

Secretary reads a letter from the Rev. H. Pearce, stating his regret at having been prevented sending in his evidence up to this time by a press of engagements, and that if the time for receiving evidence is extended, he will still forward the same.

Meeting adjourned to meet again on a day to be fixed by the President.

(Signed) EDMD. TATHAM, Secretary.

*Evidence of the Rev. J. ALLISON.*

To the President and members of the Native Commission.

Edendale, Jan. 12th, 1853.

Gentlemen,

I have the honor to acknowledge the receipt of your letter of the 6th inst.

Although averse to any public exhibition of my opinions on such subjects as those which occupy the attention of the Native Commission, I nevertheless deem it a duty to comply when thus publicly called upon by the government.

I shall briefly state

First—That I deprecate all coercive measures in the management of the natives in this colony. .

1st—Because such treatment would be irreconcilable with the former professions and general conduct of the government towards them.

2nd—Because the Natal Kafirs as a body have not, up to the present time, done anything to merit such treatment at our hands.

3rd—Because coercive measures would, in all probability, produce rebellion, and bring upon us a war as calamitous and expensive as the one now raging on the frontiers of the old colony. And what is worse still, the mischief would not be confined to Natal; the Zulus would be roused to action, when this country would become a scene of anarchy and bloodshed too dreadful to contemplate.

Second—The removal of our Kafir population beyond the Umzimkulu, if it could be effected, would only be exchanging an old difficulty for a new one, if such removal was not conducted under the superintendence and permanent controul of able officers appointed by the government; for if left to govern themselves they would soon be driven back upon us by the same causes which made them refugees in the first instance. A removal beyond the Umzimkulu would, however, only be a partial remedy, for it is more than probable that fresh refugees will continue to flow into the colony more rapidly than the old residents could be removed.

Third—I do not think, with the present means at the disposal of the government, that it can legislatively do anything to alter the tribal economy of the Kafirs in restraining the practice of polygamy, &c., &c. Such laws would touch the selfish principle of every heathen Kafir's heart in the country, and affect the fortunes of every family. Such laws would be met with passive resistance, and be secretly evaded by the whole Kafir population of the colony. An estrangement from British rule and an injurious exhibition of the government's inability to carry out their own laws, are the only results likely to arise from such a project.

Fourth—It appears to me that the circumstances of Natal in 1853 clearly demonstrates the impracticability of a colony being jointly occupied by a mixed population of Europeans and one of industrious but uncivilized Kafirs, in absence of all foreign or export trade, the habits of the former render it impossible for them to compete with the latter in the very limited agricultural markets of the colony; and there is some danger that a spirit of dissatisfaction engendered by this state of things may, if great care is not taken, lead to unpleasant consequences,

Fifth—On the other hand, to abandon a colony like Natal, in its present circumstances, would be a most pusillanimous act, unworthy of a great nation. It would be the extreme of cruelty to the white inhabitants who have embarked their all on the good faith of their government; and tragical indeed would such a step be in its consequences to the Natal Kafirs, who have taken shelter

under the wings of the British government, avowedly extended for their reception.

I shall now endeavour to point out the quarter from whence I think a remedy may ultimately be found for extricating the European and Kafir inhabitants, together with the government from their present difficulties.

First—The Kafirs are refugees who have been driven in upon us by the unrelenting cruelties of a savage despot. They have not coveted our lands or our property. They left what was in their estimation happier homes than Natal can afford, whose hills, dales, and flowing streams are still the subject of their thoughts, conversations, and songs; and we believe there are few among them who would not tread with a light and cheerful heart the road which leads to their beloved fatherland, providing they had any prospect of enjoying the same protection of life and property they are favored with in this colony. Is there anything chimerical in indulging the hope that this event may soon be realized? *I confess the re-occupation of the Zulu country by the Kafir population of Natal is the day-star of my hopes for this colony, and my reasons for indulging this hope are as follows:—*

1st—A despotic and a free state are not likely to exist for any length of time in juxtaposition, especially when there are no national prejudices or hereditary quarrels to keep them apart. Neither is a small river like the Umzinyati, over which an English hunter might almost leap, likely to continue a barrier in separating the inhabitants of the Zulu country from their relatives in this colony.

2nd—The separation of the Natal Kafirs from their brethren in Zululand has not taken place from any of those causes which could militate against their return. There is an abundance of room for them in their own land,\* and it is considered by them far superior to this colony for pastoral purposes.

3rd—Despots do not generally reform themselves. One cruel act renders many other wicked deeds essential to give it efficiency; and thus tyrants are impelled on their course from bad to worse. We believe it is so with Umpanda, hence the ever increasing stream of refugees flowing day and night into this colony.

4th—It is well known that there are few if any of those numerous conquered tribes which compose the bulk of the Zulu nation but what are looking with intense anxiety to discover the least fissure through which they may escape to Natal.

5th—It is also a fact that the back part of the Zulu country, towards St. Lucia Bay is the Siberia of Zululand, to which all the disaffected tribes are transported by Umpanda. These

---

\* The Amaawazi country is divided from that of the Zulus by the river Pongolot it is more extensive than this colony, better adapted for Kafirs, and is at the present time depopulated.

tribes are now very numerous, and would, doubtless, be the first to rise should an opportunity offer.

6th—It is generally believed by those who are conversant with Zulu affairs, that the death of Panda would be the signal for a general revolt, and a final dissolution of the Chaka dynasty. In that case self-preservation would compel the British government to aid the Zulus in reconstructing their kingdom; and I wish it to be understood that it is only upon the supposition that the British Government would take this benevolent task in hand, that I imagine the Natal Kafirs would be induced to return to their own country.

Second—Should this plan of settlement meet with a good reception from the native chiefs residing in this colony it would be a safety valve in favor of the white population; and its effects would soon extend and be felt beyond our borders. It may be objected, much time may elapse before your plan can take effect. I answer it may; but are not the Natal Kafirs doing good service to the colony by forming a barrier between us and the force of Umpanda? Have those who advocate an immediate removal of the natives thought of the exposed position we shall be in when their wishes in this respect are accomplished? I fear not.

Third—Whichever plan the government in its wisdom may see fit to adopt, allow me to advise that no time should be lost in drawing the native chiefs into a closer and more systematic communication with the government. This might be done by appointing two able, virtuous, and benevolent gentlemen as commissioners, men who could make a lodgment in the hearts of the Kafirs, obtain their affections and confidence. To prevent all vacillation in the appointment (a thing so injurious where barbarians are concerned) the appointment ought to proceed from her Majesty. The duties of the gentlemen thus appointed should be periodically to meet the chiefs on their respective rivers (no general meetings) where the chiefs might be instructed in their position with the government, their duties, and where also their co-operation in the future plans of government might be insured. I think much good might be effected, evils removed, and a variety of other points secured favorable to the peace and well-being of this colony, from the plan I propose.

I am, gentlemen,

With due respect,

Your obedient servant,

J. ALLISON.

Pastor of the Native church,  
Edendale.

Evidence of H. F. FYNN, Esquire, Assistant Resident Magistrate,  
Pietermaritzburg.

I am Assistant Resident Magistrate at Pietermaritzburg, which office I have filled only three months.

Immediately previous to this appointment I was British Resident with the chief Faku for three years.

From 1837 to 1849, I filled the office of Resident Agent of the northern boundary of the Old Colony.

I had entered the government service as Head Quarter Interpreter to Sir Benjamin D'Urban, at the breaking out of the Kafir war in December, 1834.

Anterior to this period I had resided in Natal from 1824 to 1834.

I came here in connection with Lieutenant Farewell, R.N., on a mercantile speculation, and having opened a communication with Chaka, I shortly afterwards proceeded to the southward, travelling through Faku's country on the Umzimvubu, I proceeded as far as the Umtata.

These journeys gave me an early opportunity of knowing the extent of devastation occasioned by the wars of Chaka on this side of the Drakensberg mountains—for from the Itongati River, 25 miles N.E. of Port Natal, up to within a few miles of the Umzimvubu, a distance of 230 miles, I did not find a single tribe, with the exception of about thirty natives residing near the Bluff, under the chief Umatubane, of the Amatuli tribe now under Umnini.

There were neither kraals, huts, cattle, or corn. Occasionally I saw a few stragglers—mere living skeletons—obtaining a precarious subsistence on roots and shellfish.

Some of these sought refuge under the English, and in time several tribes had established themselves at Port Natal.

I would here remark, that at this period, and in fact until the Boers entered into a treaty with Pandi, the southern boundary of the Zulu country was the Itongati, the tribes between that river and the Utukela being conquered tribes, tributary to Chaka, and their ancestors had dwelt in that part of the country from time immemorial.

These tribes were :—

Amacwabi, in part,  
Amakabela  
Amahlube  
Amapumulo  
Abakwanhlovu

On my arrival in Natal in 1824, I commenced taking notes, and continued doing so until 1834, for a future history of this country. Having been the first European who travelled through it, I had the advantage of obtaining information from the natives unmingled with any notions which they might have formed from an intercourse

with white men. These notes enable me to lay before the Commission certain historical points, which I believe may be relied on.

There are probably no people possessing an equal amount of intellect and intelligence, who are less acquainted with their own history than the Kafirs; while each individual retains a strong recollection of some remarkable circumstance in which he was more or less personally concerned; it is the white man alone, who, having lived many years in this portion of South Africa, and possessed many sources of information, can give a clear correct, and connected narrative of events which have occurred here during the last forty or fifty years.

From what I ascertained at different times in the Zulu country, during the reign of Chaka, from my communications with the Portuguese of Sofala, and from what I subsequently traced among the Kafir tribes on the Frontier, I am convinced that all these tribes formed originally one nation. That about four centuries or more ago, they were driven from the region of Sofala, and those now known as the colonial frontier Kafirs were probably the first who appeared in this direction.

There is some reason for supposing they came originally from Arabia, and have ever been pastoral, and more or less nomadic in their habits.

The first natives who appeared in this district, as refugees from the Zulu country, arrived in 1827 or 1828, and on being reported to Chaka were permitted by him to reside at Natal.

The tribes dwelling between the Itongati and Umzimkulu Rivers, previous to my leaving Natal in 1834, were as follows:—

Tribe.	Chief.
Amabiya	Umabiya
Amabombo	Umtukuteli
Amacwabi	A portion only of this tribe were here as stragglers.
Amaduma	Dumisa
Amadunge	Dontsela
Enhlangwini	Fodo
Amahlongwa	Umjulela
Amakanya	Umakuta
Amalanga	Ufiyedwa, Regent
Amanyafu	Umkalipi
Izinkumbi	Consisting of remnants of tribes under one chief, Vunthlazi
Abasembotweni	Umahizo
Amatuli	Umatubani, Regent.

With regard to their claims on the land, the native population of this district may be thus classed:—

1. Those who for many generations have continued on their native soil under all the difficulties of war and famine.
2. Those tribes who formerly occupied this country, were driven from it by the wars of Chaka, and returned to it, either

under the first English settlers, the Dutch Boers, or the present government.

3. Those who dwelt originally beyond this district, but have entered it from time to time as refugees.

To account for the discrepancies in the statements of different witnesses, as to the number of natives in Natal when the Dutch came, I may explain that I removed several tribes in 1838, into Faku's country—but on Major Smith passing to Natal with troops they commenced returning.

All the refugees may be said to have fled from Zulu rule, and despotism, and from the period above-mentioned they have continued to enter Natal, either individually or in bodies, up to the present time.

The war between the Dutch and the Zulu nation produced a revolution in the Zulu country, when Panda embraced the opportunity of establishing his chieftainship, which he could not have accomplished without the aid and countenance he received from the Dutch.

During the unsettled state of the country at the time of this revolution, a greater number of refugees entered this district than at any previous or subsequent period.

The manner in which they have been permitted to enter for so long a period, and the readiness with which they have been received into service by the colonists, are sufficient reasons for the government to pause before it suddenly turns upon these people to remove them from the country, as having no claims upon the soil.

To give a clear and comprehensive view of the native tribes which dwelt originally and now dwell in Natal, I annex two maps with lists and a tabular statement.

One map shewing in blue the position of the tribes mentioned in list No. 1. These tribes are now residing in this District under their respective chiefs. On the map is indicated where they dwelt immediately previous to the Zulu invasion in the reign of Chaka.

There were many other tribes existing here at that period, but of these there are now only a few kraals scattered throughout the country. Consequently these are not noticed in this map and list.

The second map, with its list, shows in red *the present position of all the native tribes in Natal*, specifying those which dwelt beyond its boundaries just before the Zulu invasion.

In the Tabular statement is given also, a list of all the native tribes now residing in this District, with the names of their respective chiefs, the localities they occupied immediately prior to the Zulu invasion, and their position at the present time.

As regards the aboriginal right of territory in reference to such tribes as formerly occupied Natal, were driven from it by the Zulu war, but have since settled in it under the protection of the British



government, I submit the 13th article of the treaty entered into between the colonial government and the chief Faku, dated Oct. 7 and Nov. 23, 1844, which shows that one object of the government was to re-establish the natives in their territorial rights, of which they had been dispossessed by war.

"The British government will secure this country to the contracting chief, against all claims or pretensions on the part of British subjects; but the rights of all petty chiefs and native tribes who have at any period heretofore resided upon any part of the said territory remain unaltered, and they will be at liberty to reside within the said territory in the same manner as they did before they were disturbed by their wars with the Zulu nation.

#### LIST OF TRIBES ON MAP No. 1.

(Indicated by figures.)

1 Amabaca	21 Amamemela
2 Amabiya	22 Amampumuza
3 Amabombo	23 Amanyafu
4 Amacwabi	24 Amandelu
5 Amacele	25 Inati
6 Amadunge	26 Amanganga
7 Amafoze	27 Amancolosi
8 Amadhlala	28 Amandwalana
9 Enhlangwini	29 Amantubzela
10 Amahlanyao	30 Amanyuswa
11 Amahlongwa	31 Amapepetu
12 Amahosiyane	32 Amapumulo
13 Amahlube	33 Amasome
14 Amakabela	34 Abasekunene
15 Amakanya	35 Amasihlanhlu
16 Abakwamkulisa	36 Amatyangasi
17 Abakwanhlovu	37 Amatolo
18 Abuwamconeke	38 Amatuli
19 Amakuze	39 Amaxamalala
20 Amalanga	40 Amazotya

#### LIST OF TRIBES INDICATED BY FIGURES ON MAP No. 2, WITH THE NAMES OF THEIR CHIEFS.

TRIBE.	CHIEF.
1 Amabaca	—Dushani
2 Amabazo	—Dabankulu
3 Amabiya	—Mabiya
4 Amabombo	—Mtukuteli
5 Amabombo	—Somahatye
6 Amacwabi	{ Musi Mafangonyana Zulu (Induna)
7 Amacele	{ Makitiki Xabash
8 Amacunu	—Pakade
9 Amadube	—Mahukana (Regent)
10 Amaduma	—Dumisa

- 11 Amadunge—Dontsela  
 12 Amafoze—Nocasa  
 13 Amagoba—Moyeni  
 14 Amadhala—Gatyu  
 15 Enhlangwini { Fodo  
                           Sidoi  
                           Gubevu  
                           Maiza  
                           Bihla  
                           Zwidi  
 16 Amanhlanyao—Gwadu  
 17 Amahlongwa { Joli  
                           Mgau  
 18 Amahosiyane—Matyisa  
 19 Amahlube { Langalibalele  
                           Hlwatika (late Sowetye)  
 20 Amakabaala—Makedama  
 21 Amakanya—Makutu  
 22 Abakwamkulisa—Matyinga  
 23 Abakwanhlovu—Nondabula  
 24 Abakwazwana—Cengizi  
 25 Abakwamcosene—Simikiwana  
 26 Amakuze { Kukulela  
                           Ciyana  
 27 Amalanga—Mancengeza  
 28 Amalatu—Pahlwa  
 29 Amangwane—Zikali  
 30 Amamemela—Tyukangubo  
 31 Amampumuzu—Didileku  
 32 Amanyafu—Kalipi  
 33 Amundelu Ndelu  
 34 Inati { Tyns  
                           Dibilika  
 35 Izi-kumbi—Vunthlazi  
 36 Amanganga—Manzini  
 37 Amancolosi { Faku  
                           Bacela  
 38 Amandwalana—Gugemela  
 39 Amanbuzela  
 40 Amangogoma—Sipanhla  
 41 Umwuxayo—Sotondoza  
 42 Amanyuswa { Dubulana  
                           Gapangapa  
                           Kakai  
                           Qume  
 43 Amapepeta { Umyeka  
                           Macala  
                           Umkizwane  
 44 Amampumulo { Matyiman  
                           Mkonto  
 45 Amaqanyeni—Ngoza  
 46 Amasome { Moraule  
                           Noyangwane  
                           Kude  
 47 Abasembotweni—Mgici  
 48 Abasekunene—Luhlala  
 49 Amasihlanhla } Siyingela  
                           or Abambu } Potshana

- 50 Amatyingsasi—Mgone  
 51 Abatembu—Nodada  
 52 Amatolo—Diginhlela  
 53 Amatuli—Umnini  
 54 Amaximba—Jantye  
 55 Amaxamalala Gatyu—Gaju  
 Amazotya—Nomabunga

N. B.—The Tribes numbered 2, 5, 8, 9, 13, 24, 28, 29, 40, 41, 45, 47, 51, & 54, dwelt beyond the boundaries of this District at the time of the Zulu invasion.

### TABULAR STATEMENT

*Containing a List of all the Native Tribes residing in the District of Natal in 1852, with their respective Chiefs, showing the Localities occupied by those Tribes at the period immediately prior to the great Zulu invasion, and their positions at the present time.*

1 Amabaca	Dushani	Umzimkulu, northern branch	Site of Pietermaritzburg to Umgeni
2 Amabazo	Dabankulu	between Utukela	beyond Umzinyati
3 Amabiya or Amabele	Mabiya	between Umzumbe and Umzimkulu	above Impafana
4 Amabomvu	Mtukuteli	Iqura, a tributary of Umtwalume	between Umgeni and Umvoti
5 Amabomvu	Somahatye	Utugela, this side below Umzinyati, Umvoti	beyond Umzinyati
6 Amacwabi	Musi, Mafungonyan, Zulu (Induna)	Umona to Umvoti, Umlazi, low Inhlanzuka	both sides of Utukela near the sea
7 Amacele	Makitikiti	near this side Umzimkulu, some on Umpambinyoni, Umlazi to Illovu	Umvoti, near the sea
8 Amacunu	Pakati	on both sides of Impafana	beyond Umzinyati
9 Amadube	Mahlukwana Regent	Inanda	Boyond Umzinyati
10 Amaduma	Dumisa	Ifafa to Umkomazi, above	
11 Amadunge	Dontsela	Umzinto, near the sea	Umnambiti
12 Amafoze	Macansa	Sources of Umlazi	Umvoti, middle part
13 Amagoba	Moyeni	Umlazi, near the sea	beyond Umzinyati
14 Amadhlala	Gatyu	Umzumbe	near Utugela, this side and below Umzinyati
15 Enhlangwini	Fodo Sidoi Gubevu Maiza Ciyane Bihla	Umzimkulu Umkomazi, above do. do. Umpambinyoni Umtwalume above near Illovu high up	} Upper part of Impafana
16 Amahlanyao	Gwadu	Umkomazi, high up	
17 Amahlongwa	Joli Mgau	Umvoti, Umzumbe	Umsunduzi, below Pietermaritzburg head of Umvoti
18 Amahosiyané	Matyisa	Itafamasi	near and on this side Utukela
19 Amahlubi	Kanyabela Hwatika late Sowetye	above Umtyezi near Umzimkulu, this side Umtwalume, high up	Umzinyati, both sides above Job's berg

20	Amakabela	Makedama	near Tugela, this side, below Umzinyati	near Utukela, this side, between sea and Umzinyati
21	Amakanya	Makuta	Esipongondweni	between Inonoti and Utukela
22	Abakwamkulisa	Matshinga	beyond Umkomazi, high up	near Umzinyati, this side, and this side Job's Berg
23	Abakwanhlovu	Nondabula	between Ukutela and Umzinyati	near Umzinyati, this side, above Amasihlonhlu
24	Abakwazwana	Cengezi	this side Utukela	beyond Umzinyati
24	Abakwamcosenene	Simikwana	near Table mountain	near Table Mountain
26	Amakuze	Kukulela Gemani	on Umkomazi, high up, above the sources of Umtwalume	near Umzinyati, this side, near and below Job's Berg
27	Amahlonga, or Emalangezi	Mancengeza	Ifafa, near the sea	Umvoti, above
28	Amalata	Pahlwa	this side Utukela, below	beyond Umzinyati
29	Amangwane	Zikali	Utukela, high up	beyond Umzinyati
30	Amamemela	Tyukangubo	between the Umkomazi and Umzimkulu, very high up	near Umzinyati, this side, above Job's Berg
31	Amampumuza	Didileka	above and near Pietermaritzburg	Umpanza, a tributary of the Impofana
32	Amanyafu	Kalipi	part on Umpambinyoni	Esidumbini on the Umlhala
33	Amandelu, or Amabohlela	Ndelu, Bidi	Umtwalume and Iqura between Umkomazi & Amahlongwa but the chief now resides on the Umtwalume	head of Umvoti
34	Inati	Tyas	Umxeku and Umgeni above and near Pietermaritzburg	near the Utukela, this side, little below junction with Umzinyati
35	Izinkumbi,	Vunthlazi	Ifafa to Umzumbe, on the coast	remnant of about 34 tribes, the first of whom returned to Natal in 1824, and Aborigines
36	Amanganga	Manzini	Inanda	between Umvoti and Utukela, above
37	Amancolosi	Faku, Bacela	Umgeni, below Table Mountain; Umxeku, tributary of Umgeni	near Utukela, on this side, below Umzinyati
38	Amandwalana	Gagamela	Umzimkulu	Esidumbini, on the sources of the Umlhali
39	Amantuzela		Umzimkulwana	Umzimkulwana this side
40	Amangongoma	Sipanhla	Umhloti	Insuzi, beyond Umzinyati
41	Umnuxayo	Sotondoza	Umvoti	beyond Umzinyati
42	Amanyuswa	Dubiana	Umona, tributary of Itongati	Utukela, both sides, not far from the sea
		Ngapangapa	between Umlazi and Ilovu	
		Kakai	Umgeni, below	
		Qume	between Umlazi and Ilovu	

43 Amapepeta	Myeka Macala Mkiwane	Inanda, on the Umgeni Umlazi to Ilovu near Pietermaritzburg	Upiswini, between Um- voti and Utukela
44 Amapumulo	Matyimana Mkonto	Amanzimtote Kwamapumulo	Umhlabiti, a tributary of the Umvoti
45 Amaqanyeni	Ngoza	between Umgeni and Umxeke	beyond Umzinyati
46 Amasome	Mararuli Noyangwane Kude	Umlazi Ifumi, on the Ilovu Umlazi, below	Umvoti, below Kwa- mapumelo
47 Abasembo- tweni	Mgeci	Ifumi	beyond Umzinyati
48 Abasekunene	Luhlahla	Umkomazi, high up	above and near Kwa- mapumulo
49 Amasihlanhlu or Abambu	Siyinyela Potshana Ngengezwa Syiedwa	Ilovu to Umkomazi above do. do. Umkomazi, at Inhlazuku beyond Umkomazi, high up	near this side of Um- zinyati, above Job's berg
50 Amatyingasi	Mgone	Kwamapumulo	between Umgeni and Umhloti, above
51 Abatembu	Nodada	between Utukela and Umzinyati	beyond Umzinyati
52 Amatolo	Dibinhlela	beyond Umkomazi high up	Umtyezi
53 Amatuli	Mnini	Ungababa	Bluff Lands, also from Umbilo to Umlazi
54 Amaximba	Jantye	Table Mountain	beyond Umzinyati
55 Amaxamalala	Gaju	above and near Pieter- maritzburg	Utukela, just below junction with Umzin- yati
56 Amazetya	Nomabunga	Umvoti	On the plain Umpan- ziwa, near and S.W. of Table Mountain

Several witnesses have urged the necessity of separating those whom they conceive to have just aboriginal claims on the land within this district, from those whom they believe to have no such claim.

I admit that with immense labor by competent persons, nearly a correct distinction might be made; but when I consider the suspicions which naturally arise in the native mind on such matters, the true motive of which they are so incompetent to appreciate, I am convinced that the evils resulting from such a proceeding would more than counterbalance any amount of good which could reasonably be expected to arise therefrom.

And I feel persuaded that the natives would regard such a measure in any other light than that of an act of justice.

I can only in one instance (that of Umnini, whose case I shall hereafter explain) make an exception to what I conceive should be the general rule when considering the native rights to lands within this district. It is clear that a few thousand natives are admitted as rightful claimants for land; those having resided in the district when it was taken possession of by the British Government.

There are forty tribes, as shown in my map No. 2., who having been driven from this country by war, have returned to this their native soil, either under the first English settlers, the Dutch, or during British possession.

The 13th article of Faku's treaty, had for its express object similar arrangements with him, the border chief of this district, to those intended to be carried out in Natal regarding the native claims.

I consider this intention is clearly shown in that article of the treaty.

It is not possible to suppose that the right of these claimants should be provided for, and so guarded in a treaty with an independent chief, while the government in a territory totally under its own control, would deny to such claimants similar privileges.

If cause is shewn by the evidence before the Commission, that the welfare of both races depends on the future locality of either, there would be as much justice in the removal of the whole native population as of any part of it, and would certainly be accomplished with less difficulty.

I have seen the two plans submitted by the Diplomatic Agent for the removal of the natives beyond the Umkomanzi or the Umzimkulu rivers. I am of opinion, if either of these plans is sanctioned that a great portion of the natives will avail themselves of it, under the control of an European authority.

I would rather urge the removal to the Umkomanzi locality, from the probability of its being more speedily carried out.

I have been much acquainted with Kafirs changing their habitations, and know that unless they are driven by force, such movements generally occupy three or four years.

Should but a small proportion avail themselves of this opportunity, such laws as are necessary for the future management of those within this district should be immediately made known to those who remain, and such as may not appreciate the benefits to be derived from such laws would hasten to follow those who had left. I conceive that such a mode of removing the natives would be the only just one.

The position of the native tribes of this part of Africa, as connected with ourselves, is, that certain uncivilized tribes, occupying an extensive country, become, from the European system of colonization, our border neighbours, opposite in colour, laws, manners, and customs, with a total ignorance of each other's language, their first meeting is naturally attended with suspicion, which is frequently the foundation of misunderstandings resulting in serious consequences.

From the varied representations given by the white inhabitants to their government, in which the native tribes must be misrepresented, from the absence of a correct knowledge of their laws, customs, &c., the British government professed to take upon itself the

guardianship of these tribes whom they believe to require its protection, but from the absence of that knowledge already mentioned, of the people under their charge, the government remains for years in a state of ignorance as to their true position.

A system of experiments, each attended with an immense outlay, is introduced with a view of correcting the evils which have arisen between two neighbouring races, knowing nothing more of each other than those more prominent points of character which in many cases arise from the suspicions they mutually entertain.

Ill adapted as these experiments must necessarily be, from the causes already shown, their inadequacy to produce the desired results, soon becomes palpable.

Other experiments, having the same false basis, are made, and if all these different plans which have been adopted by the British government in reference to these tribes were carefully examined, it would be evident that a series of experiments, expensive to the government, and ruinous to the white inhabitants, have been made without producing any beneficial result.

It has frequently happened that a system has been commenced, which was declared to be a permanent one, but its permanency was of no longer duration than while the governor of the colony remained in office. Every successive governor adopted some new view in his transactions with the native tribes; these perpetually varying plans, intended to benefit both the white inhabitants and their coloured neighbours, have fixed the opinion in the minds of the latter that the white men have no consistency or stability.

It is necessary to view these tribes under two different aspects:—

1st, In their primitive condition as entirely unaffected by European influence.

2nd, Under a state of transition from their pure native condition, to that which is sought to be obtained.

On the plans of the government, and the conduct of the Europeans having transactions with the natives, the *improvement* of these tribes, or their *extermination* necessarily depends.

It therefore follows that should the plans adopted be so based as not to produce the desired result, the very causes of failure will become the means of bringing the guardians and the guarded into collision.

Frequent as have been the wars between Europeans and the Kafir tribes on the Frontier, the latter cannot be said to be completely conquered,—the patience of the British government must eventually be exhausted. The tribes must fall before the sword, until, feeling they are a conquered people, they become humble, obedient, and willing to be instructed.

An opinion has been expressed before the Commissioners that it is desirable the native chiefs should be divested of their chieftainship, &c., considerable portion of their power, and, under some other

designation, become the "sword" of the European magistrate on the part of government.

I cannot concur in this opinion for the following reasons:—

To deprive any individual, or class of individuals, of the rank which they possess by hereditary right; and place them in an inferior position, can only have the effect of making them feel the amount of degradation inflicted, and which would be felt equally by their followers, and materially increase that unpleasant feeling which naturally, but unfortunately, exists between races of such opposite interests and views being brought together.

I think that the native chief should retain his hereditary rank, and act as a subordinate officer under the authorities appointed by the government.

With regard to the proposition of granting salaries to native chiefs, I am of opinion that this subject should be thoroughly considered before such a measure is adopted, and for the following reasons:—

Suspicion would arise in the mind of every native as to the object of giving such salaries.

Enormous sums have been expended by the government on the frontier of the Cape Colony, having similar objects in view with those proposed here, and the result has proved that such money was utterly thrown away.

Where money has been expended in useful articles for the chiefs, with a view to create a desire to obtain articles of British manufacture, the chiefs have refused to accept "the poisoned gifts," for such they termed them.

An opinion has been given that the Frontier Kafirs and those of this district are not analogous. The Frontier chiefs, while receiving these subsidies, governed their own tribes in British Kaffraira, whereas, the chiefs of this district will be immediately under British control, having certain rules laid down for their proceedings, under a British magistrate.

I made it a point of early enquiry as to any belief that might be entertained among these tribes regarding a future state and the existence of a supreme being.

I am fully convinced that up to the period of their becoming acquainted with white men, they had but a very confused idea of a Deity.

The opinion held by the most intelligent natives, during the reign of Chaka, was, that at death they would enter a world of spirits, occupying in it the same position they had held in this: the last departed spirit of a person who had held the highest rank in a family becoming its ruling spirit.

As long as health or prosperity was enjoyed by a family its ancestral guardian spirit was said to be lying on his back, but when misfortunes came upon them, on his face.



These expressions were evidently used in a figurative sense.

Some few Kafirs may be found who state their belief that Umkulunkulu (the great great) shook the reeds with a strong wind, and there came from them the first man and woman.

When I consider the perfection of their language, the remarkable suitability of their laws to their circumstances, and the nature of their offerings to their ancestral spirits—to say nothing of the resemblance of many of their customs to those of the ancient Jews, as prescribed in the ceremonial law, under the Levitical priesthood, I am led to form the opinion that the Kafir tribes have been very superior to what they are at the present time. On examining some memoranda many years since, I was surprised to find a considerable resemblance between many of the Kafir customs and those of the Jews. The following are the most striking:—

War offerings

Sin offerings

Propitiatory offerings

Festival of first fruits

The proportion of the sacrifice given to the Isanusi (or witch doctor, as he is termed by Europeans).

Periods of uncleanness, on the decease of relatives and touching the dead.

Circumcision

Rules regarding chastity

Rejection of swine's flesh

It has been a very popular error that the natives believe that after death their fathers become snakes.

I have previously stated that they believe in the existence of departed spirits; they also believe that the ancestral spirit visits their houses internally or externally, inhabiting for the time the body of a snake; that this occurs when some member of the family has omitted a known duty or committed some offence, and this visit of the spirit has for its object to treat the offence with lenity. If, however, on such appearance, a sacrifice is not offered, some severe punishment, such as sickness or death, will follow.

Those natives who exercise the healing art professionally, (or make pretensions to it) are designated Izinyanga, but, as will be shewn hereafter, the term "Inyanga" is not given to such persons only.

I have frequently purchased a knowledge of native herbs from native doctors, and embraced every opportunity that occurred of witnessing their medical practice and surgical operations.

Their knowledge of medicinal plants is considerable, though not very extensive, nor is it confined to them alone. A knowledge of the virtues of particular plants, when possessed by private families, is considered as an heir loom—hence, on a native being attacked by disease, he obtains the opinion of a native doctor as to the nature

of his complaint, and is recommended to apply to the family which possesses a knowledge of the appropriate remedy, for the fever, dropsy, rheumatism, or whatever the complaint may be. But the doctors frequently purchase a knowledge of such remedies for their own practice.

These practitioners always receive a *fee* in advance, but with regard to full remuneration for their services, it is an admitted point of law, that where there is no cure there is no pay, beyond the retaining fee.

I have found that many of their plants are really valuable medicines. But it is rarely that these healing plants are given to the patient without being mixed with others possessing no such property,—the object of this, doubtless, was originally to prevent a knowledge of the remedial plant from becoming general. The useless additions are now believed to be an essential part of the remedy.

In acquiring a knowledge of plants possessing healing properties, it is evident that the natives would also become acquainted with others of a poisonous nature. With several of the latter description I have an acquaintance, and I am of opinion that Europeans generally do not give sufficient credence to the fact that there are many nations who possess a knowledge of poisons of a most destructive character, perfectly unknown to themselves.

As, on the one hand, additional herbs are employed with healing plants, so also we may conclude that innocent plants are used to conceal those which are destructive.

I have made every possible research, during a period of twenty-eight years, to make myself acquainted with that custom which prevails among all the Kafir tribes, known by the European population under the term "witchcraft."

It is much to be regretted that a language so perfect as that spoken by the Kafir, capable of conveying every idea of the mind, with the exception of the terms used in arts and science, should be daily losing its value from the misapplication of words by bad interpretation. These erroneously translated words being circulated universally among the European population, the most incorrect views are formed on subjects which deserve a better fate.

This is strictly applicable to the word "Tagata," as used by these tribes, and supposed by Europeans to signify "witchcraft," hence, the latter arrive at the erroneous conclusion that the practices indicated by "Tagata" are identical with the witchcraft of their native land.

There is probably no subject of greater difficulty connected with the customs of these tribes, or one which requires to be settled with greater delicacy and discrimination than this.

"Tagata" includes every description of crime committed by the Kafir: "Umtagati" is the word applied to the person, committing

the crime, and signifies "an evil doer" without indicating the exact nature of his offence.

One who is guilty of lighter offences is called "Ishingan," which means "a rascal."

It is therefore a continuation of the above mentioned error when Europeans speak of "witch doctors."

The Kafir term employed to designate the person called a "witch doctor" is "Isanusi," having the same signification as "Obie" of the West Coast. This designation is specific, and indicates one who is not only gifted with an extraordinary amount of discernment, but has also an intercourse with the spiritual world,—but it is his own ancestral spirit whom he particularly addresses and propitiates on any application for the exercise of his superior knowledge.

The term "Inyanga" has a more extensive application and is not only used to denote a native dispenser of medicines but a smelter of iron or copper, a blacksmith, a basket-maker, an ox hide worker or any one exercising an occupation in which much skill is displayed.

It would be too extensive a task and exceed the object contemplated by the Commission to enter into minute details regarding the Isanusi and the exercise of his profession. It would fill a large pamphlet to represent this subject so as to make it fully understood by the European reader. I will only mention, therefore, one or two peculiarities connected with the Isanusi, as being worthy of notice.

It is a principle understood throughout every tribe of Kafirland, that none of the children of an Isanusi can succeed their parent in that profession,—it is believed that the requisite discernment and power is denied to them, but may frequently appear in their descendants of the second generation.

The first symptoms in a male or female which indicate their being intended by the ancestral spirit as the future agent between the spiritual and material world are these :—

The individual is generally observed to exclude himself (or herself) from their accustomed society, experiencing an excessive lowness of spirits, which is followed by severe fits, similar to those of an epileptic nature; at this period, in most cases, the individual thus affected has so great a dread of the sight of blood when cattle are slaughtered that a fit is the immediate consequence.

I have obtained the clearest evidence that Osanusi are guilty of imposture; and it not unfrequently occurs that the natives perceive it and charge them with it.

Every Isanusi has an assistant under the title of servant, whom he employs to obtain information secretly, regarding persons who may be suspected of evil practices.

The amount of pay received by the Isanusi depends entirely on

himself, and he generally regulates his demand according to the importance of the transaction, the anxiety evinced by the applicant, and his ability to remunerate him for his services.

I have observed that the Isanusi's assistant generally receives a considerable share of the pay.

Any native using a poisonous preparation is naturally very cautious in doing so; these cautious movements are noticed by his neighbours, and create suspicion in their minds; this is much strengthened if he is observed to rove alone at night.

We frequently hear of persons called "Abatagati" accused of having under their control and direction, baboons, leopards, snakes, owls, &c., and by employing these creatures, cause the destruction of individuals, and even of entire families.

In the trial of such cases it is of course necessary to separate the possible from the impossible, and without a thorough knowledge of the character of this people, Europeans are not competent to give a correct decision.

On sickness or death prevailing in any locality, a person whose actions had previously raised suspicions which had spread throughout the neighbourhood, is now suspected of being the guilty cause of such a calamity. The fearful rumours produced by these suspicions are eagerly sought for by the assistant of the Isanusi—thus the latter having obtained a knowledge of them, is often prepared to give such proofs of his (supposed) supernatural discernment when the matter is referred to him, as to leave no doubt of his great professional ability. Thus, it will be seen, that it does not necessarily follow, as Europeans generally believe, that the Isanusi is in all cases wrong in pointing out the criminal.

As the result of many years' close observation, I am inclined to estimate the proportion of really guilty persons as about one-third of the total number who are accused by the Osanusi as Abatagati, or evil doers.

The Isanusi is shielded by the style and manner which he employs when pointing out the criminal. The language he uses on such occasions is figurative.—he leaves more to the imagination of the applicants than his words will fairly warrant, and the tact he displays with those who seek his aid causes them unconsciously to supply the information from their own previous suspicions, which he might hitherto have failed in obtaining.

One very important point to be considered in reference to the Osanusi is the position which they occupy in native society; and when the particular joints of the animals slaughtered for sacrifice claimed as their personal share are compared with those allotted to the priests of the ancient Jewish nation under the Levitical law, I am compelled to believe that the Osanusi are the descendants, or at least the successors, of their original priesthood, who having shared

in the gross darkness which has fallen on these tribes, have gradually lost the high position which their ancient predecessors held.

The Isanusi appears to be revered by the people during his supposed intercourse with his ancestral spirit. At all other times he is feared or respected from the power over life and death which he is known to possess.

He is also the great lever by which the Chief exercises his power. I am decidedly of opinion that no chief who is actuated only by principles of justice could control a Kafir nation. There is abundant proof of that throughout all the Kafir tribes when living in their purely native condition, the Osanusi are regarded with feelings of fear and awe.

These feelings arise from the belief that the Osanusi have frequent intercourse with departed spirits, that they can employ powerful agencies to accomplish their purposes, and possess an extraordinary degree of penetration in the detection of evil-doers while it is well known that those whom they declare to be criminals are certain to be summarily and severely punished.

This universal belief regarding the Osanusi, it must be born in mind, is very closely interwoven with the worship of their ancestral spirits, and with a great number of their superstitions, ceremonies, customs, and usages, which have been handed down to them through many generations. Their ancestors firmly believed and faithfully observed these very things which they have been taught to believe and observe, throughout every family of every tribe, from infancy to old age, as matters of high importance.

Any attempt, therefore, which may be made by another race, coming from a far distant land, a race altogether different in color, language, laws, religion, and customs, to destroy forcibly, utterly, and speedily, the powerful hold which the Osanusi possess and have so long possessed upon the native mind, must not only prove a great failure, but for a longer period at least produce much greater evils than those which are attempted to be removed.

The Cape government and many of the missionaries have made the attempt here referred to; they have succeeded in this, that the Osanusi have been less openly resorted to, but they have failed by causing them to be more consulted privately, and produced three great additional evils:—

- 1st—The powerful restraints (for such they were) which their faith in the power, penetration, and spiritual intercourse of the Osanusi had raised against the perpetration of crimes, has been much weakened throughout the tribes, and now the Frontier Kafirs have little or no fear of consequences in the present world, and none with regard to a future state. For Christianity and civilization have not yet made sufficient progress amongst them to remedy the evils produced, and implant better principles in the native mind, to any noticeable extent.

- 2—The chiefs have been expected and required to keep their respective tribes under due control, when those very means which with them were the most efficient have been greatly impaired.
- 3—A feeling of bitterness and animosity has sprung up in the minds of the native tribes in consequence of this interference; a feeling fraught with danger to the whites, when the immense numerical superiority of the natives is duly weighed.

The appearance and success of the prophet Umlanjani among the Frontier tribes is a strong indication not only of the bitter feeling they cherish towards the whites, but of the ill-success which has attended the efforts already made to annihilate their faith in such characters.

I cannot, however, admit as correct what has been stated by some who have gained a considerable knowledge of these tribes, that it is the general belief of Kafirs that no death occurs without the agency of what is termed "witchcraft."

To corroborate my own opinion on this point, I might refer to the deaths of two of the most important personages among the native tribes during the present age, viz., the mother of Chaka and the mother of Faku; both of whom died without any of the natives, of either tribe suffering under the imputation of witchcraft, nor were there any natives accused in either case.

## MARRIAGES.

It frequently happens that marriages are entered into with the full consent of the female, that is, when the age of the intended husband is at all proportionate to hers.

It sometimes occurs that marriages between young people are arranged by themselves solely, or by their parents, and it does not unfrequently happen that marriages are effected by the father of the female proposing to the intended husband or his parents. In some cases, without any previous intimation, the girl is sent to the party so selected by her parents.

Of such intention of the parent, however, the daughter is generally informed a month or more before she is sent.

In some cases the husband selected by the parent is unsuitable by reason of age or infirmities, and there are cases in which the young woman is harshly treated by her parents if she opposes their will. It does not unfrequently occur that in the interval between her being first acquainted with her father's intention and the period when she is to leave her home, the young woman will elope to the man of her own choice, from whom she may be forcibly brought back by her parents and sent to the one chosen by her father; but it generally happens that if she persists in eloping, her parent either of his own will, or at the intercession of the girl's mother, gives up his original intention, and he does so frequently when the amount of

cattle which he receives from the husband chosen by the girl is much less than he would have obtained from the other party, and this is a point of serious consideration with a Kafir.

Marriages are conducted after various fashions, as the Kafir tribes differ from each other in some minor points in almost all their proceedings; but in the principal points they generally correspond.

Without entering into unimportant particulars, the general custom is that the bride attended by all the young women of her neighbourhood proceeds to the kraal of the bridegroom, escorted by her male relatives and friends bearing their assegais and shields, thus intimating that they are prepared to drive home the cattle to be received for her.

When the parties can afford it three head of cattle are presented by the father of the bride to the bridegroom:—

1st—An ox in lieu of the copper ring usually worn by the bride in former times,

2nd—An ox presented to the ancestral spirit of the bridegroom for his consent to the marriage,

3rd—A third ox is to replace or reproduce the cattle paid by the bridegroom.

The bride is also provided with a bundle of assegais, some picks, and a basket of beads in bunches

She is also attended by her mother and other married women; the ceremony may commence immediately on the arrival of the bride, or on the following day, as may be arranged.

When it commences the bridegroom and his companions seat themselves on the ground, while the bride and her attendants approach within a short distance dancing in a semicircle. The young men connected with the bridegroom soon unite in the dance; the old women who are related to the latter dance around at a distance, addressing the bride in songs of a depressing nature, that she may not feel too highly elated, or assume too much importance in her new position.

On the other hand, the old women who accompany her boast of her beauty and chastity, extolling her goodness of heart, and proclaiming how carefully she has been reared by her parents.

The dance having continued for some time, the bride leaves her position and dances by herself in front of her companions. She then proceeds accompanied by two of her bridesmaids towards the bridegroom, who is surrounded by his nearest relatives, and dances directly in front of him; it most frequently happens that the bride will take some liberty with the bridegroom just at this time, such as addressing him by some opprobrious term, or kicking dust in his face, thus intimating that the moment of her submission has not yet arrived.

Her attendants then come forward with the unshafted assegais, beads, and picks, which are distributed by one of the bridesmaids to

the nearest relatives of the bridegroom. An ox is then slaughtered by the bridegroom, and feasting commences; this appears to be the fixing point of the ceremony. A cow or ox is then given for slaughter to the bride's mother and her attendants, which is called "ukutu" meaning the long leather thongs for which a beast was slaughtered for the purpose of procuring the thongs or entrails which according to custom were hung about the bride during her infancy. The beast referred to was probably a sacrifice to the ancestral spirit of the family. This head of cattle is always repaid by the bridegroom, and is not recoverable by law in case of divorce.

Although dancing and other amusements be continued, the bridegroom and bride may from that moment be regarded as man and wife (so long as the relations of the bride remain at the bridegroom's kraal the bride remains with her relatives), but she is not designated a wife until she has borne a child, or has a house under her charge, until which she is called "Umlbokazi" implying that the cattle given for her have not as yet been all delivered to her parents.

In the evidence I now give before the Commission, I wish to be understood as showing those Kafir customs as they prevailed prior to Europeans coming among them; if cases ever occurred in the tribes of a stipulated amount of cattle being given by a bridegroom for his bride, it was not a common occurrence. The general mode is, that on the ceremony being concluded the male friends of the bride make their demand for cattle, but not for any particular number, the bridegroom having previously arranged as to the number he will give on that occasion, presents them with apologies for the smallness of the number, or as the case may be, and is desired to come on some future occasion. The number of cattle given depends more on the wealth of the bridegroom than on any other circumstances.

Avarice is certainly a characteristic of the Kafir, and the number of cattle to be obtained by the marriage of the female relative is a great consideration; but I am of opinion that in at least one-third of marriages which take place the parents of the bride consider the benefits which they are likely to derive from the connection, either in a political point of view, or as the family may be raised in society by the union.

Trade, as implying buying and selling, is understood by Kafirs under the term "tenga," which originally meant exchange. This word is applicable to every description of trading, but the word was never used among themselves in connexion with marriages; Such an application of the word would be ridiculed by all who heard it.

I admit that it is now sometimes used by the natives who have been in the service of Europeans, and I am bound to conclude that this introduction of the word has been forced upon such natives by those Europeans who have arrived at the conclusion that women



were bought for a stipulated price, and suppose the word "tenga" an appropriate one. It has been stated in evidence that a larger amount is now given for wives than formerly;—this may be easily explained, without admitting that the cause assigned by the witnesses is the true one.

It is said that "the amount of produce which the husband can dispose of in the European market, has become the motive for increasing polygamy." If such witnesses knew anything of the neighbouring tribes, such as the Amapondo, Amaswazi, and others which are in no degree affected by European markets, they would relinquish such an idea.

Previous to the wars of Chaka, the number of cattle given to the parents of the bride was as now; and it was only under his despotic rule the number was reduced, he having ordered that it should be merely nominal, or rather only so many as were requisite for the marriage feast,—and the comparison made by Europeans is merely of the number now given, with the number given in the reign of Chaka.

The ties of consanguinity controlling marriages are very strictly observed.

A man cannot marry any female who is a relative by blood. Such an offender would at once be termed "Umtagati"—*i.e.* evil doer—the marriage would be dissolved, and a general belief expressed that the offspring of such a connection would be a monster—a punishment inflicted by his ancestral spirit.

As an exemplification of the laws of marriage, of the inheritance of property, and of the resemblance which many of the Kafir customs bear to those of the ancient Jews, I submit the following case:—A Kafir dies, leaving seven wives, with their children, and three brothers. The period for mourning (a circle of the seasons) having been completed (during which the widows and fatherless children have been under the protection of the brothers of the deceased), it becomes the duty of these brothers to provide for the future management of their brother's family. They take the wives of the deceased to be their own, adjusting the number to each, as may be mutually agreed.

The property of the deceased brother does not become the property of the surviving brothers, unless he has died without issue. In all other cases the brothers are only the guardians of the property on behalf of the children of deceased, and they liable by law to make restitution for any cattle disposed of by them (which was their brother's property, or the offspring thereof) during the minority of the children, unless such cattle had been used for the benefit of the children or their mother, and then only to a reasonable extent.

## INHERITANCE OF PROPERTY.

It is a well known principle through all the Kafir tribes, that no female can possess property in cattle, except in the following cases :

1. When the chieftainship is in the hands of a female.
2. The elder female relatives of a chief, by his permission.
3. A female Isanusi.

4. When a female, perhaps an only daughter, has received from her departed relatives the knowledge of any valuable medicinal plant which is supposed to be retained in the family.

In such instances females may be the proprietors of cattle.

There are some tribes in which the men never think of parting with cattle without the consent of their wives, not even to purchase fresh wives,—for instance the Ambabaca, Amaxola, Amangutyane, Amarunhlé, and Amanpondo generally act in that manner.

Every female by her marriage brings cattle to the possession of her relatives.

If she is attacked by sickness her husband reports it to her relatives, and it is generally attributed by the Isanusi to the ancestral spirit of the family, who has inflicted it as a punishment for some misconduct or irregularity on her part, and the punishment can only be removed, by a sacrifice being offered either by the woman's husband or by her father.

Sacrifices to the spirit by the father of the married women may be said to be almost unlimited in cases of barrenness ; it is by no means uncommon to hear of from ten to fifteen head of cattle having been slaughtered to propitiate the spirit in such cases.

The head of the family may require some of his cattle to procure wives, offer sacrifices, celebrate festivals, or other purposes : these cattle he takes in fair proportion from each house (which, as will be seen hereafter, have been duly allotted to it)—but if taken to procure a wife, more are taken from that house in which it is intended the new wife shall be placed.

We will now suppose that the eldest son of the family has arrived at maturity, and is desirous of possessing a kraal of his own—but this seldom occurs until he has one or two wives and some children—for in all cases young men marry their first and even second wife while residing with their parents. The young man having married his first wife, who may be named Umandi, and being possessed of fifteen head of cattle, these cattle belong to the house of Umandi ; he then marries Nodubu, who becomes a help-mate, and resides at first in Umandi's house until she has a child. The husband builds his kraal, having for his followers such of those of his father's kraal as were attached to his mother's house, or had obtained loans of milch cattle from that house. The mother of the elder son in such cases invariably leaves her husband to live with

her son, with whom she resides until her death, and this is the final separation of the father and mother.

Returning to the second wife Nodubu, she will have a house in her husband's kraal placed under her charge,—one, two, or more cattle are allotted to that house. This arrangement is carried on as long as the head of the family continues to marry. The cattle so allotted to each house are henceforward styled the cattle of Nongungu, Tywapana, &c., supposing these to be the eldest male children of each house, thus it will be seen that every male child possesses the germ of his own property from the day of his birth.

In the event of a daughter being married, the cattle derived from her marriage become the property of her eldest brother's house, on the mother's side.

The cattle of a kraal are at the entire disposal of the father of the family during the minority the sons, but on their arriving at maturity the father is supposed to consult with them as to the disposal of the cattle.

Should a case occur in which one wife has no son but many daughters, and another wife have many sons but no daughter, the daughters are distributed by the parent to the sons, which places them in precisely the same position, regarding the cattle given for the girls as they would have been had they been brothers and sisters by the same mother.

It may occur that the milch cattle of one house become dry or die, in such case the father takes cattle from the other houses for the support of that which is in want; this may be a permanent arrangement, or merely as a loan, and the family of the house from which such cattle are taken seldom or ever object to it.

On the head of a family being found guilty of a crime which is punished with death and confiscation of his property, his cattle with all his property is taken, but his wives, sisters, and daughters are not taken; they are allowed to unite themselves to their male connexions as in the usual order of succession.

Owing to the wars which some years ago prevailed amongst these tribes, the people have been scattered over a wide extent of country, and numerous are the instances in which individuals have been driven to seek asylums in distant places, where they have been generally received, attached to the houses of a family, and employed in servile work.

The produce of their labor, and any cattle taken by them when they have assisted their masters in war, becomes the property of those masters.

In this position they may remain for many years; in most instances their masters lend them cattle to milk, and not unfrequently give them a portion of those captured in war; they are, however, permitted to retain what they may have acquired from having prac-

ised any healing art or handicraft with which they may have been acquainted.

During this period of servitude they are treated in the same manner with regard to food, and most other things, as the family.

Death has sometimes been inflicted on such persons, on their attempting to release themselves from their position, but generally they are permitted to leave with the cattle which have been given to them, or if not, they are allowed to leave, retaining the cattle as a loan whose offspring may be claimed from time to time by the proprietor, as well as the original stock.

Such cases, however, are the causes of extensive litigation, and the numerous cases which exist at the present time, are occasioned by so many tribes dwelling in a peaceful condition under British rule.

Individual females having been thus received into families, on their arriving at years of maturity, marry with precisely the same ceremonies as those of the tribe, and are called the daughters of their Guardian, and regarded as such who offers sacrifices when they are attacked by sickness, or otherwise, as he would for his own children.

Years may elapse before such a female meets with her real relations, under such circumstances her guardian refunds the cattle received by him on her being married, retaining or claiming from her parent one head, termed "Isonhlo," for nurture, and all such other cattle as were slaughtered at her marriage festival or have been sacrificed on her behalf.

I have frequently known it occur that females so situated as not to know where their relatives were, when rather than not have a claimant, they have secretly arranged with strangers to declare a relationship. I can only account for this extraordinary proceeding from a natural impression that the husband would have more respect for one who has a parent or relatives than for an orphan.

Instances have occurred of women deserting their husbands for no other cause than, that cattle had not been paid for them; and a recent case is stated in which a native girl, residing at a missionary station as a clothed domestic servant, was married in the chapel and absconded for the same reasons.

The particulars I have here given showing the nature of hereditary succession, appears to me to be sufficient for the information of the Commissioners.

Although the Kafirs have no written law, they may be said in their customs to possess laws which meet every conceivable crime, which may be committed by them.

From what has been before stated on the hereditary habits of the Kafir tribes, and the great probability of their having come from the northward and eastward, the question would naturally arise, how have they in the absence of any written law, for so many years preserved those ruling customs which serve them in the place of laws?

To this it may be replied, it must be borne in mind that in their predatory habits each tribe must have had recourse daily to its ruling customs for the punishment of offences, and the decision of claims.

The residence of the chief of a tribe is the resort of all its principle men generally the greater portion of the men attend for the purpose of paying

their respects to the chief; these visits may extend from one week to four or five months, when they return to their petty chieftainship or kraals, and others arrive (this custom prevails at Pietermaritzburg). Thus a continual supply of attendants is at the disposal of the chief, and his position is properly maintained.

As the native tribes are now very numerous,—in explaining the government of a tribe, I shall confine myself chiefly to the mode in which affairs were conducted in the Zulu nation during the reign of Chaka—showing what was the practice of the most powerful Kafir tribe ever known to have existed; it will therefore be understood that if the same customs do not now prevail among the smaller tribes, it is simply because their organization is less complete.

The followers of the chief, while in attendance upon him at his kraal, are generally designated Amapakati, understood by Europeans to mean counsellors; this is an incorrect interpretation, though it is now so understood by the Frontier Kafirs. 'Pakati' simply means 'within,' and 'Amapakati' is understood to signify those who are at the time 'within' the chief's circle. To prove clearly that Umpakati does not mean a counsellor or adviser, every man and boy who is in the chief's circle, is called an 'Umpakati.'

It has been shown that the chief is generally surrounded by an important portion of his tribe. He generally occupies each day with his Amapakati, the topics of the times engage their attention—trials of criminals and civil cases occupy a portion of their time; These trials may correctly be said to be conducted in open court, for as there are no professional lawyers, every Umpakati may freely enter into the case under investigation, and from the ridicule which would result from any interference of an Umpakati incompetent to argue on the case, it seldom happens that any display of incompetency occurs; thus the chief's residence may be appropriately termed the school where law is taught, and its rules transmitted from one generation to another.

On examining thoroughly the nature of the penalties awarded to crimes by Kafirs in their purely native condition it will be clearly seen that crimes are not encouraged by them, or regarded as virtues.

As a general rule Kafir crimes are punished with fine, or death and confiscation.

Death and confiscation of property follows the commission of what, in their estimation, are the greater crimes, and while it is often most wantonly inflicted on the innocent, it still stands good that what they regard as serious offences are severely punished. Fines and confiscations are awarded to two distinct kinds of offences—

First—As damages claimable by private individuals—an evil doer is compelled to make restitution by payment of cattle, as in our civil case—.

Secondly—Fines for public offences; this is "the main source of the chief's revenue.

Cupidity, which is a strongly developed feature of the Kafir character, will not permit either the chief or those who surround him; and between whom the fine is generally distributed, to forego the advantage to be derived from the infliction of heavy fines. So that offenders have but small chance of escape.

The crimes common with Kafirs are peculiar to them as an uncivilized people,—while there are many crimes practised among civilized nations which do not occur among them.

The enlightened and the unenlightened regard crimes with very different feelings—and from a combination of causes punish them in different ways.

When a chief or a parent is murdered, death is usually the punishment, but in other cases a fine is only levied; so light a punishment for such a grave offence I cannot approve of. I am however of opinion that murders are not oftener committed because the punishment is light.

Death was the penalty attached to the crime of a follower deserting his own chief to join a neighbouring chief. This apparent severity was necessary for the safety of the state.

No chief could maintain his rank and power by resting solely on his hereditary claims; he could be secure and great only in proportion to the number of his men, or his ability to maintain his position and protect the cattle of his tribe from the inroads of his neighbours.

The desertion of one or more of his followers, endangered in a greater or less degree the safety of the whole tribe—not merely by adding so much to the strength of his neighbour, but from the amount also of valuable information he could communicate to him.

The circumstances of the native tribes living in this district, having become so materially altered by living in a state of peaceful prosperity under British protection, the punishment for such an offence among them no longer remains as the necessity for inflicting it has passed away.

I attach a list of the principle Kafir crimes with their respective punishments :—

Murder . . . . .	Death or fine, according to circumstances.
Treason, as contriving the death of the chief, or conveying information to the enemy . . . . .	Death and confiscation.
Desertion from the tribe . . . . .	do. do.
Poisoning . . . . .	do. do.
Practices with an evil intent (termed “witchcraft”) . . . . .	do. do.
Adultery . . . . .	Fine, sometimes death.
Rape . . . . .	do. do.
Using love philters . . . . .	Death or fine, according to circumstances.
Arson . . . . .	Fine.
Theft . . . . .	Restitution and fine.
Maiming . . . . .	Fine.
Injuring cattle . . . . .	Death or fine, according to circumstances.
Causing cattle to abort . . . . .	Heavy fine.
False witness . . . . .	do do.

In all tribes governed solely by their own laws, it is matter of surprise to Europeans, that what they (the latter) consider very small offences, are regarded by the former as crimes of considerable magnitude. The severe punishments inflicted for those offences which civilized men ridicule as un-

worthy of notice, are in reality the foundation of that order in which they are kept, and by a strict observance of those customs, greater crimes are prevented.

Thus when natives enter the service of Europeans, and begin to be understood, these very customs which kept them in check among their own people, are ridiculed, the restraints are broken down and they soon commit offences which cannot be overlooked.

As an instance—there is no greater crime in the estimation of a Kafir than speaking disrespectfully of authorities; it is however a common failing among the European population, and not confined entirely to the lower classes, that upon a native declaring his intention of appealing to the authorities he is given to understand very frequently—that in the estimation of the white man the authorities are held in contempt. It leads the Kafir to cherish the same feeling, it is productive of evil to himself, and nothing but evil, present and prospective, to the European population.

It should be borne in mind that the authorities are the only medium by which the white man can obtain redress for the wrong which may be done him by the native, but whatever amount of authority or influence he who administers the law may, or should, possess over the native, the contemptuous manner in which he has been spoken of by the European cannot fail of breaking down the only means of securing that respect for the laws, so necessary to be maintained in the mind of the native, and which is so essential in securing that justice sought by the European. In this connection I may mention another circumstance which I have noticed as operating upon the native population regarding the labor question. When Kafirs are governed entirely by their own laws and customs, the chief is the centre of their thoughts and actions—with him rests their prospects and even their lives—but from the period when the young men of a tribe begin to enter into the service of colonists, those ties which heretofore bound them to their chief are weakened,—formerly they were entirely dependent on him and their parents for counsel and aid, not only in marrying but in every emergency. By their connection with Europeans they lose much of that respect and deference they were accustomed to pay to their chiefs and to their parents, and have been taught to condemn the English authorities, and thus in their new position they have become greatly unwilling to submit to government of any kind.

The state in which I find the natives in this colony, particularly those in the service of colonists, or living in their vicinity, is difficult to control.

Those in the division of Pietermaritzburg are under better control than those in the division of D'Urban.

I attribute this difference to the circumstance that there has not yet been any competent authority appointed to the latter division.

Two of the most prominent offences committed by Kafirs in the service of colonists, are absconding from service and impertinent conduct on leaving their masters. There are many other offences

gradually increasing among them, caused mainly by that state of freedom forced upon them by their European masters, the consequences of which to themselves the Kafirs cannot foresee.

I am of opinion that if competent European authorities were placed over the natives in this district, having for their object the mutual benefit of every class of the community, the Kafirs might be brought into a proper state of order, for it is a fact that there are many native tribes in the district, and I may mention the whole of those occupying the division of D'Urban, who have never yet had a magistrate appointed over them (a division above 80 miles in length and nearly 50 in breadth) that is, from the Umlazi station to the Umzimkulu, embracing a very large amount of native population, dwelling in their tribal state; independently of those in the service of Europeans. The only authorities they have ever yet seen in the greater portion of that division have been those who have collected the native tax.

From the imperfect and ungoverned state of the natives at the present period, more particularly those in the vicinity of Europeans, an extensive but very natural distrust prevails between the two races, and it becomes a matter of importance to consider what measures are requisite to be taken in order to remove it.

I am of opinion that the great numerical preponderance of the native population, located as they are in the midst of the Europeans, is the cause of such uneasiness so as to urge the necessity of their removal.

On the other hand, the natives are also distrustful of the whites. I cannot, however, concur in the opinion given by several of the witnesses in their plans for removing them. I believe that war would be the inevitable result of such a proceeding, therefore I could only concur in any plan of which the government might approve, subject to the opinion of the Diplomatic Agent, as to in how far such plan would be acceptable to those tribes proposed to be removed, and thus ensuring safety.

There appears to me no other mode of avoiding a collision with the natives than that to which I have alluded; and the introduction of emigrants in sufficient numbers to act as a counterpoise to the numerical superiority of the natives, and at the same time dispossess them of the belief that they are able to contend with us.

From time immemorial hunting and war have been regarded as the chief pursuits of the native tribes of Africa.

As a general rule, manual labor has never been practised by the male population.

It has been stated by some individuals in this colony that the male population of the Kafir tribes according to their own laws are required to perform works of manual labor at the will of their chiefs. This is correct so far as regards building their chief's kraal, cultivating his fields, and any work of a public nature which may de-



mand their services; but it must be borne in mind that while there are two distinct modes by which Kafirs are governed in different parts of the country—the one being patriarchal in its nature and the other pure despotism—both systems agree in this; that the chief, in all his acts, is obliged to consider what effect his commands will have on the minds of his followers; even Chaka, one of the greatest despots who ever governed any nation, constantly kept this consideration in view, being perfectly aware that his reign would soon terminate if he opposed the general will of his people.

Hence the manual labor which at any time has been required by the chiefs from their followers has been of very brief duration.

It is generally believed that throughout the whole of the Kafir tribes the women alone labor in the fields. This is not strictly true. Many of these tribes, dispersed as they are over a wide extent of country, have, during the last three centuries, become more or less changed from their original character.

The Frontier Kafirs have become a materially altered people, owing to their proximity to the Cape Colony.

Those tribes, also, to the northward, under Chaka and Sotyangan, by whom wars of a more extensive and decided character have been prosecuted than were known prior to their reign, have produced a considerable alteration in the tribes to the northward and eastward.

Leaving those tribes in the north and the frontier tribes to the south, we find a somewhat central tribe in the amapondo, under Faku; this people have been less affected by the violent commotions in the above directions than most other.

The chief Faku was not originally greater, nor had he a force superior to many of his neighbours, until the remnants of tribes despoiled and scattered by Chaka sought an asylum with him. Other tribes dreading the great Zulu chief, although unmolested by him, attached themselves to Faku.

The country occupied by the Amampondo nation is particularly well adapted for defence, hence in two attacks made upon it by the Zulu army, although Faku lost many thousand of cattle, he held his territory.

Hence I find among the Amamponda and several neighbouring tribes, including the Amaswazi, the fields are cultivated by men as well as women.

When I first arrived in the old colony in 1819, the whole of the Hottentot people were subject to conditional labour. No Hottentot was permitted to go from one farm to another without a written passport from his master. Nor was he permitted to leave one master and proceed to another without such passport.

Upon this practice being abolished, much discontent prevailed

throughout the whole colony, as to the means by which labor could be supplied, unforeseen circumstances produced a remedy.

A portion of the tribe under Matuwana, father of the present Uzikali, now residing in this district, had been defeated by the colonial forces; the prisoners captured on that occasion became the first Kafir labourers who entered service in the old colony.

Of the remnants of tribes dispersed by Chaka, many sought an asylum with the frontier Kafirs, and unitedly they were termed "Amafengu," supposed by the colonists to mean a particular tribe, instead of regarding it as a name of derision, which it really is, given to them by those to whom they fled.

Many of these proceeded to the old colony, and entered service there.

In the war of 1835, when Sir Benjamin D'Urban released the greater portion of the Fingoes (Amafengu) from their servile condition with the Frontier tribes, a fair supply of labourers was secured to the whole colony.

Many of the frontier Kafirs also have entered into the service of the old colonists, from time to time.

I am of opinion that the requirements for labor by the settlers in this district are of a much more varied character than those expected by the old colonists from the native population.

In the old colony the natives are seldom employed as domestic servants and nurses for infants; nor can it be said that they are depended upon to perform manual labor. The herding of cattle, so important an occupation on the colonial frontier, consequent on the extensive depredations by the frontier tribes, is the principle employment of the natives who are in service.

I am of opinion that the Commissioners should obtain as correct a statement as can be collected of the number of Kafirs at present in the service of farmers, and of those employed as domestic servants in towns.

As the natives are a pastoral and not a labouring people, it follows that the occupation in which they can be most suitably employed is herding of cattle.

As thefts of cattle are of comparatively rare occurrence in this district, a large number of natives are not required for that purpose.

They are very useful as messengers, &c., when considerable distances have to be travelled expeditiously, and generally give entire satisfaction to their employers.

They are usually paid at the rate of one penny per mile for conveying letters, and at their rate of travelling this would give them 2s. 6d. per day; in urgent cases they sometimes realize from 5s. to 7s.

Men who are usually employed to wash clothes, especially at D'Urban; frequently earn from 7s. to 10s. per week.

The wages of domestic servants, in towns, where the work is generally light, averages from 5s. to 8s. per month.

The portion of animal food which town servants obtain with their ordinary diet, adds to the inducements for town in preference to country labor.

In the country the farmers from necessity require a greater amount of labor than is expected from native servants in a town. They usually give the same amount of wages, and the few servants which a small farmer needs, or can afford to keep, feel themselves isolated from their countrymen, to whom they are most anxious to return.

One of the greatest difficulties, and the principal cause of most of the evils which arise between a white and black population, is their being unacquainted with each other's language.

Each suspects the other's motives. These early suspicions are gradually increased as they come into closer contact, and it requires several years acquaintance to establish a mutual confidence, if ever attainable it is but by a few.

I have met with many Kafirs on the frontier, and some in Natal, who understand either the English or the Dutch language. Such natives have generally acquired habits of industry, and are generally highly valued by the whites. But I think the general character of such natives is seldom much improved, nor are they accustomed to speak to their countrymen regarding white people with that degree of respect which might be expected.

Many persons have long entertained an opinion which has been expressed before the Commissioners by several witnesses, that the tribes were more respectful, obedient, and better controlled by the Dutch, during their occupation of Natal, than they are at the present time.

It is endeavored to be shown that this superior conduct was produced solely by the strict mode of government adopted by their masters towards them, and the severe floggings which they gave them. This conclusion is not a just one; the case stands thus:—During the period of ten years, from 1824 to 1834, there were not at one time more than five Englishmen in the District, and about 10,000 natives; a more obedient and honest people could not have been found in any part of the world. This opinion is confirmed by the English who came to Natal after 1834, and the Dutch during their occupation of the District. The whole of the natives had recently and narrowly escaped destruction, either by the assegai or famine, they were in fear that their lives were still in the power of the Zulu chief, this alone was sufficient to keep them in submission.

When the Boers occupied this district they came as a body of warriors, powerfully armed, and the period was brief when the

native population in Natal saw them contending, and that successfully, with the power which they in their ignorance had believed invincible, though all the nations of the earth had combined for its overthrow.

Hence it is evident that the submissive condition of the natives during the short period which the Dutch occupied the district was when an unnatural state of things existed, and cannot with any fairness be adduced as a specimen of what might have been their present condition had the Boers alone been the white occupants of the colony up to the present time, and during so many years of peace.

If it is a question worth examination, as to whether the natives are best kept in subjection by the English or the Dutch, I decidedly give the preference to the latter. In this I desire to be understood exclusively as regards the relation of master and servant.

Between these two races there are some points of similarity; in their pursuits both are a pastoral people, and pride themselves on their cattle.

The Dutch farmers are generally a consistent people, they are strict in having their orders obeyed. If a Boer ever plays or jokes with a Kafir, and it rarely happens, the latter is never permitted for a single moment to forget his inferior position.

The natives appreciate that consistency of character which the Dutch exhibit, and which is so rarely found in the English.

The English inhabitants of a new colony, varied as they are by profession and occupation, seldom persevere in those agricultural pursuits, which the greater number intended to pursue when they left their native land.

I think it could be clearly proved that from 10 to 15 years elapsed in the old colony before the settlers of 1820, entered steadily and persevering into their farming operations. Amid the many obstacles which they had to encounter—the only exception to the above, that I am aware of, was those who occupied Glen Lynden, and whose leaders were the Pringles.

The education of the Boer is very limited, and while many of the English settlers are by no means superior in talent, the experience which they bring from their own country, and the varied intercourse which they have had in society, may considerably aid in producing an inconsistency of character.

I have perceived that a great number of the children of the white inhabitants of Natal are acquiring a knowledge of the language of the natives. Such an acquisition cannot be too highly appreciated. This will be found the great means of removing those asperities which produce so much unpleasant feeling between the two races.

I have observed that there are many colonists who can always obtain a good supply of laborers—such persons make no com-

plaints of there being a deficiency ; but there are many others, men of undoubted character and good principle, who under no circumstances can obtain the services of the natives, nor will any legislative enactments or adoption of schemes which may be proposed, remove the difficulty. It is certain that any farmer who would require from his native servants, what in most other countries would be considered a fair day's labor, will not succeed in retaining them in his service.

It will be generally found that frontier inhabitants from the old colony will be better able to secure native laborers than the Cape farmers or the English immigrant.

The removal of natives from the vicinity of towns would, in my opinion, seriously injure for a time the welfare of the white inhabitants of the district, if the views I have formed are well founded.

I am aware that the natives generally raise double the quantity of corn required by them for the year's consumption, by which they are prepared for a year of small production, or should this not occur, they are in a position to dispose of their surplus quantity to those who may be in want ; and since a market has been opened by Europeans for a large quantity of corn, they have cultivated the land more extensively than formerly.

I think that more than half the corn consumed in this district is raised by the natives. In addition to what they sell in the towns, many traders every year visit native kraals to purchase corn, at the average rate of 4s. per muid, which is again sold at the stores to the consumer for 7s. 6d. per muid. A considerable quantity also is annually exported to the Mauritius and the Cape.

The question therefore arises, can the white agriculturist raise corn to supply the demand for consumption in the colony and for exportation, at nearly the low rate which the native receives.

The emigration of small bodies of natives from Natal to the southward, commenced last winter and it is probable it will be much more extensive next winter.

This movement has been produced by an uneasiness on the part of the natives, as to their ultimate fate. The feeling has arisen from the increase of the white inhabitants, more especially in the country districts. It has become a common exclamation now, among the natives—"What will become of us? Where can we go to?"

When governed entirely by their own laws, the natives pay a kind of tax to their chiefs.

When an ox or cow was slaughtered a portion of it, amounting to nearly a quarter of the animal, was sent to the chief ; but where the distance was considerable, those who were in the habit of slaughtering cattle occasionally, in lieu of sending the accustomed portion each time, one head of cattle was sent annually to the chief—this tax fell only on the rich. The present tax of 7s. per

hut levied annually on all the natives, without distinction or difference, falls heavily on the poor natives living distant from towns. Many of these during the last two years, have had not only to dispose of their "last cow," but in many instances have had to sorrow of their neighbours, and when quite destitute their chief has had to pay for them.

The two principle motives which induce young men to leave their kraals and labour for the white inhabitants, are the obtaining cattle to pay for wives and to enable their relations to pay the hut tax.

The insubordinate state of those natives who have been in service, owing partly to their having been released from those wholesome restraints which their own customs imposed on them while living with their own people, is believed by the elders of the tribes to be the great evil which will ultimately occasion their destruction.

Kafirs have but little attachment to any particular locality, hence they remove from one place to another without regret; the evacuated land may be occupied by another people without payment, as they have no idea of selling land, nor have they any boundary beyond where their cattle graze, for which country they are responsible.

They are easily led from one locality to another by their superiors. I am of opinion that in most cases where a small body of them have removed in this district, it had been because they had been ordered to do so, and that no consideration has been given by the authorities as to where they were to remove to.

South of Pietermaritzburg and D'Urban there are several farms in the occupation of colonists, which were in the possession of natives when granted by the Government.

On some of these farms natives still remain, and the proprietors demand a hut rent from them. From other such farms the natives have been ordered to remove, and no locality pointed out for their future abode.

As to the feelings of the tribes within this district towards the Government and the white inhabitants, I believe they do not regard this Government as a fraternal one, nor that it studies their interests. With the exception of some individuals who are more thoughtful, they do not feel thankful for any of the advantages they generally derive from dwelling in a British colony.

They do not feel that they have any cause to be grateful for the lands they occupy.

They have been accustomed to settle on unoccupied land when removing from one country to another, and they believe they are entitled to dwell where they are as a matter of course.

I believe that those who were placed in certain locations did think their interests were consulted when they were so located.

But the tribes dwelling south of the Umlazi location have never been located by the Government. They all admit that they have been released and protected from the despotic rule of the Zulu chief, and they think that the tax they pay to the Government is for that protection.

There is not a native in Natal who would not admit that were the white men to abandon the country, a month would not elapse before war would commence throughout the district.

It is the opinion of many of the white inhabitants, that the jealousies and want of confidence known to prevail among the native tribes, is the strongest guarantee for the safety of Natal.

I hold a different opinion. The Kafir tribes on the frontier of the Cape colony have ever been jealous of each other, and remain so to the present time. Notwithstanding this, they have at several periods agreed to war against the colony. To do this they have not considered it necessary to unite under one chief; each chief has endeavoured to select a field for his own operations. And the very circumstance that they have never been united or assembled in one field for war, has been the cause of our small success and our greatest disasters.

Were the native tribes of this district to revolt against the Government, doubtless they would act in a similar manner and produce similar results.

I believe that any mischance arising from opinions given as evidence before the Commissioners, by persons unacquainted with the true character of the natives, would be sufficient at any moment to plunge the district into war. I have, therefore, in a former part of my evidence expressed my conviction that no steps should be taken regarding these tribes, without previously taking the opinion of the Diplomatic Agent.

Numbers of natives from the Zulu country, the Bechuana country, and from the frontier tribes, are in service in this district. Some of the former may have been sent by Panda as spies.

Those from the Bechuana tribes come solely for gain. They are generally a better description of native servants than any other of the native tribes.

Those from the frontier are led also by the prospect of gain.

Probably there are about 200 frontier Kafirs in Natal, and more may be expected at the termination of the war.

These frontier Kafirs will be the teachers of extensive crime to the natives of this district; one of the most notoriously guilty families of frontier Kafirs is already here, and imprisoned for housebreaking and theft.

It is a custom well understood in all Kafir tribes in their original state, that no stranger shall be permitted to enter a tribe until he has been reported to the chief.

This custom should become a law in Natal, and a penalty should

be inflicted on the kraal which afforded an asylum to a foreigner who had not been reported to the authorities.

Natives in service are generally the young unmarried men of the tribe and while they pay no direct tax for themselves they pay it for and on behalf of their female relatives on whom the tax falls and is levied for the protection they receive from the government, this protection is equally enjoyed by those strangers who arrive from neighbouring countries, to which of course the tax does not extend unless they build huts apart from the towns.

In a former part of my evidence I have stated, that on my arrival in this country in March 1824, there were no inhabitants in the district south of the Itongati.

There was neither huts, cattle, nor grain; there were, however, many natives spread over the country—the remnants of tribes destroyed by Chaka, seeking sustenance from noxious as well as harmless roots, so that more were destroyed by this wretched fare than preserved. Seldom more than two natives were then seen together; this was occasioned not only by the great difficulty they experienced in obtaining food, but from their distrusting each other. Some of these from a necessity had become Cannibals.

The only instance in which any number of tribe held together, was in the case of the Amatuli, under the regent chief Matuban, uncle of the present chief Umnini, who recently occupied the Bluff.

This tribe have dwelt on the Ifenya, or Bluff lands, through 12 generations of their chiefs—prior to which they resided in the Amehikulu country, north east of this district, where they were dispossessed of their cattle, and being driven away took possession of the Ifenya. Owing to their destitute condition they caught fish for food, an abomination with all Kafir tribes. In a few years they again possessed cattle, but fish and Indian corn had become their favourite and regular diet.

When the Zulu army invaded Natal, the Amatuli lost all their crops and cattle, and so great was the danger of appearing in the open country that the remnant of the tribe seldom left the bush or the Bluff, excepting to take fish when the tide ebbed. A little straw was all they had in the bush to protect them from the rain or cold. They had no grain to cultivate, if they had dared to venture on the open land. Such was the condition of this tribe when, in 1824, I arrived at Natal. From that period they built kraals, cultivated the soil, and became again a small tribe,

#### List of chiefs of the Amatuli tribe, referred to above.

Chatwa—This chief resided at Amatikulu, in the Zulu country.

Umyebo



Intaba—The four brothers of this chief reigned in succession,  
viz.:—

Tuze

Nonyundi

Koki

Ingywan—The hereditary line is here lost.

Upangisa

Uzakwi

Tolo

Umziwan

Mandi

Matuban—Regent and brother of Mandi.

Umnini.

During last year (1852) this tribe was removed by the government from the Bluff lands, and desired to seek another country, when they located themselves on the further bank of the Ilovu.

An opinion has been given that the removal of this tribe was an act of the greatest injustice, and I should entertain the same opinion if I did not believe that their case is still under consideration by the government. I think that the circumstances of Umnini's tribe are peculiar.

Fish having become a chief article of food with them through twelve generations, and no known locality of Natal affords so ample a supply as the Bay.

Not only have they been deprived of what was to them an important article of food, but of the great profit which they derived from the sale of fish to the white inhabitants of the port, and which I estimate at from £100 to £200 annually.

Where the Amatuli now reside they are regarded as intruders, and this becomes to them another source of disaffection. I would have recommended the removal of Umnini's tribe from the Bluff to another locality, had the wishes of the chief been consulted, their peculiar position clearly laid before the Government, and the whole transaction conducted through the competent authorities. This course was the only one to secure justice for the tribe and secure its confidence.

My reason for recommending the removal of this tribe from its ancient dwelling place is the conviction that the Port of Natal is the key of this District, and the entire possession of it by the government is essential to those improvements by which Natal can be so greatly benefitted.

#### REMARKS ON EVIDENCE ALREADY GIVEN.

J. H. M. STRUBEN, ESQ., Resident Magistrate, Klip River Division.

This witness recommends (page 9, pt. 1.), that a yearly census be taken of the cattle belonging to the natives in this district.

An order to this effect was issued by the government in 1850, and was one of the chief causes of uneasiness among the natives in the early part of 1851.

It was commenced being carried into operation, but it was found necessary to discontinue it.

Any similar attempt would be met with determined resistance.

The same witness observes (page 9 pt. 1.) :—

“The present inclination of the chiefs is to try to get as many people added to his tribe as possible.”

I would remark that it has ever been the object of all Kafir chiefs to obtain as many followers as they could.

He states (page 10 phlt. 1.) that the chiefs sometimes inflict corporal punishment.

I beg to observe that I am not aware of corporal punishments having ever been inflicted by any native chief.

He also recommends that native chiefs be appointed to act as judges.

Such an arrangement would be injudicious, because there would be a bias in the minds of those judges, either favourable or unfavourable to the parties whose cases might be tried before them, inasmuch as, there are no two chiefs in the district who are not in alliance with each other or at variance.

When this witness stated (page 10, phlt. 1.) that he believed that unnatural crimes are not punishable by Kafir-law :

The statement should have produced this question :—

“How many cases of this crime have come to your knowledge, or have any?”

He suggests (page 11, phlt. 1.) that witch-doctors shall be compelled to prove the guilt of the party he accuses, before the Resident Magistrate.

I consider the adoption of this measure would be a great improvement in the decision of such cases by efficient magistrates.

He mentions (page 11 phlt. 2.) that the natives have walked over the lands of the white inhabitants in armed bodies.

It should be borne in mind that the natives of this part of Africa have constantly carried their weapons as a matter of necessity, to protect themselves from enemies and wild animals. To prohibit these people from carrying their arms, would be to them a strong indication that we feared them, and might lead to thoughts which may yet be far distant.

I am of opinion, however, that the chiefs should be forbidden to pass through any town, village, or farm with a body of armed followers.

With regard to the employment of a civil or burgher force, recommended in page 13 paragraph 1st. in the event of emergencies, I am of opinion that the white inhabitants could not be depended upon for the defence of the district.

Page 13, paragraph 4, Captain Struben believes, in accordance with Kafir customs, the confiscation of a man's property for witchcraft includes his wives and children, but this custom is not carried out in the Klip River Division.

This is a great error and its not being carried out in the Klip River Division is solely because such a custom never existed among the Kafir tribes.

Evidence of Mr. F. C. Scheepers.

Witness speaks of the "cession" of Natal by Dingaan to the Dutch.

In the case of New Zealand it was judicially held that no British subject could retain the right to any territory ceded by native chiefs unless the consent of the crown is first obtained.

The only motive of Dingaan in ceding this territory to Retief was to induce the latter to bring with him a body of farmers, that he might be enabled to destroy a large number of them at once.

Neither Dingaan nor Chaka ever occupied any portion of this country, which had been depopulated by their armies.

In the evidence given by Mr. F. C. Scheepers, (see page 47, part 1) he relates a conversation which he had with a native chief in 1839, and adverts to the visit of some of Panda's chief men to His Honor the Lieutenant Governor.

I was not in Natal at the period referred to, but I wish to record my opinion on the subject.

In regard to the first affair:

What the chief stated to Mr. Scheepers might be applicable to the period when it occurred. The Zulu country was in a state of revolution—Panda and his portion of the tribe being opposed to Dingaan and his followers. The war which had existed between the Boers and the Zulus could scarcely be said to have terminated.

As to the second affair:—

I am aware that at the time when the Zulu chiefs arrived at Pietermaritzburg, a rumour was current among the natives that Panda had sent them to request permission from the Lieutenant Governor to destroy the native population of Natal. I also know that a guard of honor attended the Lieutenant Governor, and there was a display of the military, with some artillery practice.

According to Kafir custom, on any civilities being shown to strangers and visitors, by the chief of the country, it becomes the duty of his subjects to shew them civilities likewise.

Bearing this in mind, I cannot apprehend that any danger was likely to arise from any intercourse between the principle of these tribes and the Zulus. Their detention might afford them opportunities for making observations regarding our strength, position, &c., but as to any confidence being re-established between them which might lead to an alliance nothing is more improbable than that these people should prefer living under the despotic rule of Chaka to a state of freedom.

Mr. J. F. Staden (page 5, part 2,) affirms that from what he has "heard from whites and blacks, the Zulus have never conquered any country without first filling it up with deserters from themselves," and refers to the Umtetwa tribes as an example.

Were this statement and the opinion expressed by Mr. F. C. Scheepers (page 47, part 1) on the same subject correct, such would be the peril of our present position in this district that it would be imperative on government to form the white inhabitants into camps immediately, for their defence.

To show the contrary it will be necessary to explain some portion of Zulu history.

Chaka was the son of Senzagakona, the Zulu chief, who died about 1809.

Chaka was driven from his own country when an infant, with his mother, about 1780, and adopted by Tingiswayo, chief of the Umtetwa, then the greatest tribe of that district. Shortly after the death of his father, Chaka obtained the chieftainship of the Zulu nation, through the influence of his patron.

When Tingiswayo made war against Zwide, chief of the Indwadue tribe, Chaka with his tribe—which was then tributary to Tingiswayo—accompanied the latter to the war. Tingiswayo was taken Prisoner and slain. The Umtetwa tribe returned to their own country under the command of Chaka, and as Tingiswayo left no heir, Chaka assumed the chieftainship of his tribe; and he would not have been permitted to retain this rank longer than the period required for mourning had he not have displayed abilities which would have made it perilous to have opposed him. And when it is considered that during the reign of Chaka, which extended over a period of nineteen years, he extended his wars 500 miles from where he dwelt, in every direction through the country—that he conquered and swept away not less than three hundred tribes—none of whom ever saw the Zulus amongst them until they appeared as an invading army—it will be evident that Mr. F. C. Van Staden has been greatly misinformed on this subject. It was not likely that so great a despot as Chaka, whose sole object was to destroy all tribes, leaving none alive who would not submit to his individual control, should send nominal deserters (such is what I conceive this witness to mean) to reside amidst tribes enjoying comparative freedom.

Mr. D. J. Pretorius (page 57, part 1,) states that Kafir women refusing to work are beaten with knob-kerries.

During a period of 28 years, in which I have dwelt among Kafir tribes I have never seen nor heard of a Kafir woman being beaten with a knob-kerry.

It is now generally known that the Kafir tribes did not formerly occupy any portion of the country south of the Kei river; their first occupation of it commenced by their establishing grazing kraals between the Kei and Fish rivers.

After a few years their numbers beyond the Kei made it necessary that their chiefs should rule that district separately from their supreme chief, referring only to him in cases of much importance. Those chiefs then who assumed authority beyond the Kei, although descendants of the great chief, had no right to the paramount chieftainship when it might become vacant, but only to such rank as chiefs their locality and circumstances may give. The right to the chieftainship of the district between the Kei and Fish rivers remained undecided until Gaika and Ndamis contested the point by battle.

The Colonial Government determined to interfere in order to preserve peace, acknowledging Gaika as the supreme chief, whose rights they pledge themselves to defend.

Had the Government not interfered, this contest would have ended, as did all similar contests between Kafir tribes at that period, without much loss of blood. This interference did not, however, produce the result that was anticipated.

The tribes of these rival chiefs having up to this present period remained separate and distinct, the only instances in which they have consulted each other on these occasions when they attacked the colony.

But a few months had elapsed after Gaika was acknowledged to be the supreme chief by the colonial government, when the Slam-

bie tribe attacked Graham's Town. From that period to the present time it has been the object of the colonial government, proclaimed by every successive governor, and circulated by every missionary throughout the Kafir tribes, that no internal wars would be permitted in any part of Kafirland. Thus their natural feuds have apparently subsided, but their desire for war has only been smothered for a time, for no sooner has an opportunity offered than those tribes have shown themselves too glad to join in their warlike propensities against the government, which for so many years had prohibited them from warring with each other.

This statement, with that describing the destruction of the Amangwane, may appear to have little connexion with the matters before the Commission, but to me it has appeared important, as shewing the errors, (with their attendant expenses,) which may be committed, and the serious consequences which must arise between the two races, so long as their respective characters and objects are unknown to each other, and so exceedingly opposite.

To understand the history of the Amangwana Tribe, I must relate a few circumstances connected with the Zulu invasion.

In 1828 Chaka sent two chiefs to visit the Governor of the Cape Colony, under the care of Capt. King: and shortly afterwards dispatched an army to the Amaponda, with directions to extend their operations and sweep the whole of the Kafir Tribes until they should reach the borders of the Cape colony.

No European in Natal was aware of Chaka's intention, previous to the march of the army.

The Frontier Tribes, on hearing of its approach, implored the assistance of the colonial government against an enemy they had so much cause to dread.

The terror of Chaka's name had but a short time before reached the Cape colony.

Without having any direct knowledge of the views of the colonial government at that time, it is possible it might have argued thus:— If assistance is not given to the tribes on the Frontier they will be plundered of all their cattle, and be driven by sheer necessity to plunder the colony, which will also be left open to any future inroads of the Zulu invader, should he feel disposed; while the very fact of the chiefs sent by him to the Governor having made no mention of any intended inroad on the frontier, must create suspicion regarding his future intentions. Whereas by assisting the Frontier tribes in the present emergency, a better chance of conquering Chaka may be insured, while these tribes so succoured will for the future regard the colonists as their best friends and only protectors.

A force was accordingly ordered to be sent but the preparations occupied so much time that in the meanwhile the Zulu army,

always rapid in its movements, had swept many thousand head of cattle from the country of Faku and the Umtata, and had actually returned to the Zulu country before the European force had taken the field.

The Zulus, together with every tribe which had adopted a similar mode of warfare, were designated "Fecani", that is, marauders, by the Frontier Kafirs; and by this name alone were they known at that time to the colonists.

On the Colonial force entering Kafirland a council was held by the native chiefs, to decide in what manner the force should be employed.

The Amangwane Tribe, which at the commencement of Chaka's wars had occupied the Umfolosi country, north of Natal, had at this juncture settled at the head of the Umtata, under Matuwana, its chief, who from 1814 to 1828 had been a roving warrior, attacking any tribes he could fall in with. Matuwana had located his tribe in its present position professedly with the object of living on peaceful terms with the Tambookies and other neighbouring tribes. These, however, having no confidence in Matuwana's professions, determined on having the colonial force directed against him. The troops were led to his position under the belief that Matuwana's people were the marauders against whom they had been sent.

In a few hours the tribe was destroyed, the Frontier Kafirs taking their part in the engagement by destroying the women and children.

The greater part of the cattle then captured were distributed among the native allies; and many of the Amangwane who were taken prisoners, soon afterwards became the servants of the colonists.

Several months elapsed before the Cape government was aware of the fact that they had been deceived by their native allies, and had destroyed the Amangwane Tribe instead of a portion of the Zulu army.

Uzikali, the present chief of the Amangwane now residing in Natal, under the Drakensberg, is the son of Matuwana above mentioned.

The tribes generally termed Kafirs, occupying the coast side of the Drakensberg range, extend from the Fish River to about 200 miles north of Delagoa Bay.

Although these tribes speak one language, and their customs are so similar as to prove a oneness of origin, they ought not to be regarded as one people in any plans which it may be necessary to adopt for their future government.

A clear and distinct line may be said to divide the frontier Kafirs from the Natal Kafirs, arising from a diversity of character; and so marked is this difference, that a mode of government well adapted for the one, would not be suitable for the other.

The line dividing the two districts lies between the Umzimvubu or St. John's River, and the Umtata.

For the protection of the Cape frontier, the district of Natal, and for the welfare of all the Kafir tribes, it is of the utmost importance that the country lying between the Umzimvubu and the Umtata should be in the possession of the British government. This measure would tend greatly to prevent future wars, or in the event of a war arising would be one of the surest means of subduing the enemy.

The Umzimvubu, the Umtata, and the Umgazana River, (lying between the former two) have been successfully entered by small coasting vessels.

To the absence of an early knowledge of the Kafir character may be mainly attributed the many new theories which have been adopted for the control of the tribes on the colonial frontier from the first formation of an English settlement there in 1820, until the present time; together with an enormous expenditure, both in peace and war.

The evidence which has been laid before the Native Commission in connection with other information in the possession of the government regarding the Natal Kafirs, presents a most favorable opportunity (at this crisis when the war on the frontier is being terminated) of establishing a system which may reasonably be expected to prevent future wars in this part of South Africa.

It is evident that while the numerical superiority of the Kafirs so greatly predominates, the white inhabitants of this district will feel serious apprehensions for their own safety, and wars may be produced solely by a mistrust of each others motives.

It would be unreasonable to expect that the British government will continue to expend vast sums of money, which have tended hitherto rather to produce warfare than to prevent it; and it is the opinion of many of the most intelligent colonists, as well as my own, that the only means of saving this colony is to adopt a liberal and extensive system of emigration, and that *if the government does not speedily adopt this alternative it must give up the colony.*

H. F. FYNN,

Assistant Resident Magistrate.

#### NOTE.

In the Tabular statement, Page 49, of former and present residence of the Kafir tribes, the four columns embrace—1st column the Name of the Tribe—2nd, Name of the Chief—3rd, their present position—4th, their position at the time of the Zulu invasion.





## NATIVE COMMISSION.

### PART VI.

#### EVIDENCE OF LLOYD EVANS MESHAM, Esq.

Sir,—In compliance with the directions contained in your letter, dated 3rd January, and received on the 8th, I have the honor now to transmit a few remarks bearing upon the points embraced in the letter of instruction to the Native Commission, under date 27th September last.

In doing so, however, I beg to state that my observations are confined to the limits of my own location, having no knowledge of circumstances referring to natives in other parts of the district. I have taken the points contained in the letter of instructions, and made my observations on them seriatim.

1st.—I am informed that the undermentioned chiefs, who are now living in this location, together with their people, settled in this district long prior to the arrival of the Dutch farmers.

Their names are Ufaku, Umahlukana, Umguni, Umyeka; Umusi, Ujojos, Matshiza, Nomisomekuana, Koffyana. No registration of the natives having been made. I am unable to state with accuracy the number of people adhering to each of these chiefs.

2nd.—I have heard that the natives who are not aborigines, came from the Zulu country, having fled from the tyrannical rule of the Zulu king. Koffyana, however, excepted, he I learn came from the other side of the Umzimkulu.

3rd.—I do not think that it is practicable to prevent future encroachments of natives from adjoining countries.

4th.—I have heard there are two registered farms in this location and they are situated on the south-east corner of it.

5th.—I am not aware that any of the natives have emigrated from this district. They are continually removing from one location to another.

6th.—The power of the chiefs in this location has, I think, in some degree been weakened by the appointment of a magistrate among them; they however continue to settle disputes between their people, who invariably appeal to me when they are dissatisfied with their chief's decision.

There are, I am informed, 12 hereditary chiefs living in this location; their names are Faku, Umyeka, Umguni, Umusi, Matshiza,

Nomisemokwana, Usepanhla, Umanzini, Udubulana, Ubacela, Ulangeni, Umhlanjana.

7th.—I feel convinced that it would be neither wise nor politic to dispense with the services of the chiefs altogether, but I am of opinion that their power and authority should be modified, and the functions they are to perform accurately defined. And in this respect I agree with the views expressed by the Rev. W. J. Davis, in his evidence before the Commission Question, Nos. 50 and 51.

8th.—I have learned from the natives themselves, that the will of the chief constitutes principally the native law, and in cases of dispute he is invariably assisted by the counsel of his Indunus.

9th.—I also learn that when a crime has been committed, the chief on being apprised of it, sends for the offender, tries the case, and if the criminal be found guilty, he orders him to pay a fine in cattle; if the offender refuses, all his cattle are confiscated; but that in cases of murder, witchcraft, rape, adultery, &c., the defaulter is deprived of his wives, children, cattle, and everything he possesses, and he himself driven out of the country. In some instances the culprit has been put to death, since however the appointment of a magistrate in this location, capital crimes have been dealt with according to the ordinary course of the colonial laws.

10th.—I have no knowledge of the removal of natives from particular localities in times past.

11th.—I do not feel prepared to express a decided opinion on this point; I have not had sufficient experience to enable me to do so with confidence.

From what I do know of the natives however, I am inclined to think, that it will be a very difficult matter to remove them from the district, even were it advisable.

I do not think it would be expedient, inasmuch as if the natives were removed, the country would in my opinion, be deprived of the labour it now possesses.

12th.—I cannot come to any satisfactory conclusion as to what are the real causes of the want of labor, neither am I at present prepared to suggest a remedy.

In order to give the Commission an idea of the character of the country comprising this location, and to put them in possession of the estimated number of its inhabitants, I beg to refer them to a report made by me to the Hon. the Secretary to Government, under date the 10th of August last.

I have the honor to be, Sir,  
Your most obedient servant,

L. E. MESHAM,  
Magistrate for the Inanda Location.

Edmund Tatham, Esq.,  
Secretary to Native Commission,  
Pieternaritzburg.

(COPY.)

“Magistrate’s Office, Inanda Location,  
August 10th, 1852.

Sir,—I have had the honor to receive your letter of the 24th April last, containing certain general instructions for my guidance in levying the hut tax from the natives within my jurisdiction, and have now to report to you, for the information of His Honor the Lieut. Governor, that I have completed said service, and beg leave to offer a few remarks, and make such suggestions which I deem relevant to the subject.

With reference to the third paragraph of your letter, I have to report that, I believe the tax has been collected from all the natives subject to my jurisdiction, “whether residing within the limits of the Inanda Location, on private property, or on other lands.” But in regard to the taxation of natives residing on private property, I deem it important to observe, that while I have received great assistance from some proprietors, in the performance of this duty amongst the natives living upon their lands, my proceedings have been somewhat obstructed by others.

This obstruction has arisen from the idea inculcated among these natives that they were to be exempt from taxation; and I may add, by the feeling which (independently of any suggestion by white people) prevails amongst such natives, that their liability to taxation is an anomaly and a hardship. I have, however, in all cases endeavoured to remove this feeling by explaining to those natives that all people, white as well as black, are liable to be taxed for the protection and other privileges they enjoy from the government under which they live.

In cases where a chief and a portion of his tribe live under the jurisdiction of one magistrate, and some natives of the same tribe under that of another, it will, I believe, hereafter be found highly inexpedient in practice to cause the latter natives to pay with their chiefs.

Without laying much stress upon the confusion and delay which the transmission of a report of the taxes due from one magistrate to another must necessarily create, and that for the sake of the doubtful advantage of maintaining the old ascendancy of a native chief over his people, this object can, under the rule laid down, be attained only at the expense of the authority and influence of the magistrate over those natives, whom he would be deprived of the power of taxing, and who would *ipse facto* consider themselves to be no longer amenable to his jurisdiction.

I am, therefore, of opinion that all natives should in future pay their taxes to the magistrate of the Location in which they reside, and to whose jurisdiction they are, in all other respects, amenable; but where a chief resides apart from his people, I would suggest

that he or some other native appointed by him should (after he has paid his own taxes to his own magistrate) be required to attend at the Location of his people who so live apart from him, to see that no evasion of the tax due by them takes place; and for this service I would recommend that he receive a remuneration from the government. I must here remark that there are no people living within my jurisdiction whose chiefs live within that of another magistrate. There are, however, chiefs living on this Location, some of whose people live on the Umvoti, a portion of whom have paid their taxes to me, while the remaining portion have (when sent for by their respective chiefs) positively refused to come, preferring to pay their taxes to their own magistrate.

Generally, whilst I have observed no disposition on the part of the natives in any case to resist payment of their taxes, yet there are features in this year's collection which I deem especially worthy of remark.

1st.—In regard to parties suspected of being in arrear, such were ordered to produce their last year's receipt, or on their declaring these to be lost or destroyed, copies of them from the Diplomatic Agent's office. Of such, some have paid me their respective amounts, and the rest have produced the copies required of them.

2nd.—That out of the total amount of taxes collected by me, namely, £1918 7s. 0d., £35 only were paid in cattle.

Finally—To account for the excess in the expenditure in the collection of the tax over the anticipated amount, I beg to remark that for the due performance of this service I found it absolutely necessary to employ more native messengers than I had at first thought would have been required.

I would also bring to the recollection of government that whilst the expenses incident to the performance of this service were still going on, I and my clerk were summoned to appear before the District Court as witnesses in a case of murder, and my attendance was afterwards required by the hon. the Secretary to Government at a meeting of magistrates held at Pietermaritzburg, business which conjointly detained me from my Location from the 17th to 31st May.

In further explanation of this point may also be considered the various removals of kraals and alterations in the number of huts in each, which have taken place previous to the magistrates' being appointed to collect the tax, changes which, however, I have issued strict injunctions shall in future be duly notified to me, and on the proper observance of this order I rely for the tax being collected next year in less time and at much less expense than has hitherto been the case; as the greatest portion of the payments may then be made at the seat of magistracy.

I herewith annex returns, one of which is indexed so as to correspond with the accompanying sketch. These will shew the names

of the chiefs, whether hereditary or otherwise, their place of residence, and the estimated number of their people, where residing, and the nature of the country occupied by the majority of them, together with the amount collected from each tribe in money and cattle. The definite number of people belonging to each chief, cannot, I would respectfully submit, be ascertained with precision without the institution of a regular census; and this of itself would be a work of sufficient magnitude to form a separate branch of magisterial duty, if not requiring special machinery for its due execution; But the most important reason for omitting the census at this time is its undoubted interference with this more primary object of collecting the taxes.

The tax alone is regarded by the people not comprehending its object as a hardship quite sufficient of itself; and were it united with the census, which excites their jealous fears even more than the tax, it might be attended with evil consequences, which would more than counterbalance the gain derived from it.

The difficulty which was experienced when the census was attempted on a former occasion, and the excitement and hostility which were then created among a people so ignorant and credulous, only confirm the hazard of such an undertaking in conjunction with collecting the tax.

Upon this head I have reason to believe that a census confined to the male portion of the native population would not be viewed with the same jealousy and distrust by the natives with which they are so apt to regard the numbering of their wives and cattle: and would accordingly suggest that this partial measure be at once and I simultaneously adopted, or at least commenced so soon as His Honor may be pleased to issue his instructions to that effect.

From the delay which I experienced in the collection of the tax at the few points in the location on which I stationed myself for that purpose, I found it would be a difficult matter perfectly, or at least speedily, to accomplish that object, (which I deemed the most urgent part of my duty) and at the same time to traverse the whole extent of my jurisdiction (an area of about 900 square miles) so thoroughly in every direction as I could have wished.

Having, however, visited some of the most broken parts of this location, and taken up my position on some of the most prominent high lands, I cannot but notice that the face of nature in this territory presented to my view such varied and wild contortions as to make it almost idle to attempt a description, within the compass of this report, yet it seems to me too marvellous a country to leave wholly undescribed.

It ascends inland from the coast to the distance of 15 or 20-miles at this point it breaks off abruptly, and in many places precipitously.

And through the whole extent between the Umgani and the Tongati the transition is so abrupt as to afford but here and there an entrance into the country above.

This bluffy high land is ploughed through by the Umgeni, Umhloti, and the two branches of the Tongati, whose waters flow seaward through channels in many places absolutely walled with rock.

The country inland from this bluff is rugged and wild beyond parallel in this part of the district. It is the vast basin of these streams, and especially the Umgeni and its tributaries.

It is also walled in on the north by the rocky sides of the Noodsberg, and the high lands beyond, and to the south it is enclosed by the scarcely less precipitous brink of the Umgeni.

This basin is also interspersed with numerous mountains and peaks, of which Inanda and Table Mountain are the largest.

The equal elevations and rugged sides of these mountains and the adjacent gulfs and gorges, and the ten thousand intervening hills and valleys, ridges and slopes, brooks and waterfalls all combine in a scenery at once wild, grand, and beautiful.

Almost this entire country is practically inaccessible by wagons, and with very few exceptions it is absolutely so. And yet these very portions, which are the most rugged and inaccessible, are the parts most thickly peopled by the natives, chosen for their warmth and the little fertile patches scattered here and there among the hills.

The most elevated and open portions remain comparatively destitute of kraals, and used only as pasture grounds for their cattle, and the still higher table lands which surround the whole are the absolute limit to all native habitation; they choosing rather to endure the numerous evils of a country fit only for wild beasts than to abandon their heathenish habits, buy clothing, and build better houses—as they must do in order to endure the cold of these higher lands, though repaid tenfold by the more successful rearing of cattle.

The most densely populated parts of the location are the Umgeni valley in the vicinity of the Inanda, and also above, including the whole valley of Umgeni and its tributaries. Although these portions are the wildest and most romantic imaginable, yet their population is, perhaps, the most permanent, the most increasing, and the largest in the region.

I cannot conclude this report without remarking that my warmest thanks are due to Mr. Aling Osborne, my clerk and interpreter, for the valuable assistance I received from him during the performance of this most anxious and important duty. I feel, therefore, great pleasure in recommending him to the notice of His Honor the Lieutenant-Governor, as a zealous and promising young officer.

I have the honor to be,

Sir,

Your most obedient, humble servant

(Signed) L. E. MESHAM,  
Magistrate for the Inanda Native Location.

An index to the accompanying sketch, showing where the principal chiefs reside, and giving a description of the country inhabited by them and their people.

A	Ll. E. Mesham	1	U Manzini
B	Rev. D. Lindley	2	U Faku
C	Rev. L. Grout	3	Umyeka
D	Rev. S. D. Marsh	4	U Mahlukana
E	Rev. J. L. Dohne	5	Umguni
F	Rev. J. Tyler	6	U Matshisa
G	W. Wilson	7	U Dubulana
H	J. Proudfoot's farm	8	U Musi
a	Inanda Mountain	9	U Bacela
b	U Sangwana	10	U Kalano
c	Osangwana Mountains	11	Umkizwana
e	Noodsberg	12	n Goza
f	Spit Kops, between the Noodsberg, called by the natives Mahlanyoka	13	U Gangene
g	Table Mountain	14	Umgundane
h	Spits Kops, near Table Mountain	15	UNondiniza
i	High lands comparatively level	16	U Funwayo
j	Broken country of hills, or ridges and valleys	17	U Nomsimekwana
		18	Kofyana
		19	Jojo

being the sources of the numerous branches of rivers, and for the most part inaccessible with wagons.

k Wild and rugged country.

The sketch\* must necessarily, from its limited dimensions, be a very imperfect one, since to introduce but a mere outline of the features of such a country would obliterate the whole.

Indeed, the whole extent of the location is characterized by a little else than an innumerable succession of hills and valleys, ridges and ravines, so multifarious as to baffle the ingenuity of man to sketch even its outlines with any pretension to accuracy.

The locality of the principal chiefs is indicated in the sketch, yet I will here give their residences, or more particularly the country of their people, and its general character, following the order of the index.

1st—Manzini lives north of the Umgeni, upon the river, and just above the entrance of the Umzinyati into the Umgeni.

His people are situated around him in the valley, which is the South-eastern extremity of the location. It is for the most part a wild gorge where the Umgeni breaks through the elevation which

---

\* See "Statement," following page 8.

occupies the whole country from the British station above. It is about 12 miles from the Tugela's mouth.

2nd.—There is a large *Amatshangazi* in the south side of the Tugela, its people go above the mountains on both sides of the river. The valley is very fertile, though many and somewhat sterile. But along the valley of the Tugela, if between the stream and the Tugela, also occupied by its people the *Amatshangazi* it is of a different character. Indeed, it is a beautiful patch of country, and not among the few fertile occurrences in the district.

3rd.—Tugela with its people the *Amatshangazi* lives above the mountains between the Tugela and the Tugela. The country consists of wild rivers and deep valleys, extending from the Tugela down to the Tugela. The only fine country in the vicinity is the beautiful top of the Tugela, which from its elevation and desolation of war is entirely uninhabited.

4th.—*Matshangazi* and his people the *Amatshangazi* are to the east of Tugela, Tugela, and Tugela.

Their country is between the Tugela stream, and the eastern boundary of the district.

It is the mountainous land which separates the native country from the occupied land of Mr. James P. P. P. and the hills and valleys descending from it to the Tugela. It therefore has all the diversities, from the rocky cliff to the narrow plain of the brook below.

5th.—Tugela lives west of the principal branch of the Tugela, and not far from it.

He is about three miles north of Tugela Residency.

He is near the eastern extremity of his people, the *Amatshangazi*. They occupy the ten thousand little hills and valleys whence spring the sources of the Tugela. It cannot be called wild, for to the eye it is scenery most beautiful to behold. Yet it is so billowy in its structure, and like the endless succession of ocean wave, as to render it for the most part inaccessible by wagon travelling.

To the east of this country, rising from the valley of the Tugela, is the continuation of the cliff which separates the inland from the coast land. At this point it is about twenty miles from the sea. Eastward of this for a few miles the country is so elevated and open as to be almost destitute of people, till it becomes more broken, and gradually descends seaward.

6th.—*Matshangazi* with his people the *Amatshangazi*, lives in the *Osangwana* country, which, as the name implies, is literally a land of portals, built of mountains and everlasting rock. They are west of the Tugela, and between them and the Tugela.

The country is too wild and rugged for description. Its rocky spires and bulwarks are visible almost throughout the colony. It is too rough to be traversed without difficulty except by the foot of savage man and wild beast.



7th—U Dubulana occupies the ravine of the Umona, which is the principal branch of the Tongati. He lives near where the stream passes through the high ridge. Some of his people, the Amanyuswa live below him in the cragged valley, and others above among the sources of the Umona and Tongati; a country similar to that of the Amatshangazi, in the sources of the Umhloti.

8th—U Musi lives below within the forks of the Tongati and Umona. His people, the Amaquabe, live about him upon these streams, in a broken country, though less so than that more inland.

This is the north-eastern extremity of the location.

9th—U Bacela

&

10th UKalane

} live in the Umceku valley, which stream is the largest northern branch of the Umgeni in the location.

Their country is less mountainous than the Osangwana, occupied by the Amaosana; yet it is one continuous succession of steep hills and deep valleys.

It is walled in upon the north-west by the Noodsberg precipice, and is almost equally inaccessible from other directions.

11th—Umkizwana lives upon the north brink of the Umgeni, above the Umceku branch, and east of Table Mountain.

The country is as broken as it well can be without being actually precipitous.

12th—nGoza lives about five miles above Umkizwana, on the same side of the river.

The country is the same, consisting of high hills, and deep valleys and ridges, ascending from the river to higher open country, north of the Umgeni valley. There is but little or no bottom land upon the river, so narrow is the valley. Indeed, throughout the whole extent of the location, the valley is of the wildest nature. Here and there will be found a level patch of desirable land, while in other places the rocky banks of the river rise precipitously, or consist of rough, barren, bushy wilderness.

18th—U Jangane with his people, the Abasingoma, live still higher up the Umgeni to the north of Umgoza.

14th—Umqundane occupies the kloof country west of Table Mountain, including the Umsindusa valley.

The Umsindusi is the largest South Western branch of the Umgeni. It wanders in its serpentine course in almost every direction through a low thorny country, and empties itself into the Umgeni below Table Mountain, opposite Umkizwani.

15th—U Nondinisa, with a few of the Amatuli people lives in a break of the Noodsberg at the base of the high peak called the Mahlanyoka.

16th—Funwayo also lives near him, at a gentle descent in the Noodsberg, with a few of the same people. The country is the

intermediate between the high plain land of the Noodsberg, and the wild, broken country below,

17th—U Nonsimekwana lives in the basin of the Umsinduse.

The Umsindusi is the largest south-western branch of the Umgeni.

18th—Koffyana  
and  
19 Jojo } live on private property, betwéed the main road leading from D'Urban to Vurulam and the sea coast.

The country they inhabit though not so rugged as that already described in the location, abounds with bush and dense jungle.

---

Noodsberg, 22nd Jan, 1853.

To the Secretary of the Kafir Commission,  
Pietermaritzburg.

Sir,

As requested by a member of the Kafir Commission, I proceed to furnish you with such information as I can afford you; beginning with the scarcity of Kafir labor, and its value as compared with labor in other countries.

When first I settled at Milkhout kraal, near seven years since, I was tolerably well supplied with Kafir labor, and subsequently still better, when I was employed by Mr. Smerdon to collect rent from Kafirs living upon his land, and had their services placed by him at my command for payment.

The average length of engagements by Kafirs at that time was one twelve-months, from which it gradually decreased to four months.

When I removed from that farm to Noodsberg, about 2½ years ago, I was at first very ill supplied with labor, and was compelled in the winter of 1851 for three months to herd my own cattle, and could not procure a single Kafir. Since that time I have found less difficulty in procuring boys to work for me, but have never been able to retain more than four boys at a time, for terms upon an average of three months; six boys being the number I require merely to milk my cows and lead my oxen. The boys I now employ belong mostly to a neighbouring Kafir chief, his name is Nondanieu, with whom I keep a good understanding, and who now exerts himself to procure me servants. Within the last three months, however, Kafirs from other quarters have come to me seeking work.

It is obviously so impossible that a Kafir should make himself acquainted with every beast in a large herd in so short a time as three months, that you will be the less surprised when I assure you that I consider Kafir labor, even for herding cattle, in large numbers, as dear when compared with labor in other countries.

During the years 1840 & 41 when wages were higher in Australia

than they have ever been until the present time, I resided in that country, and had a number of men to employ under me. The wages of shepherds was 25s. per week, with rations; farm servants and stockmen were paid at the same rate, and had charge of from 800 to 1000 head of cattle, and from their general activity and trustworthiness I should decidedly say were cheaper servants to their masters than Kafirs are here, for the same work, at 7s. 6d. a month and their food. For any other description of European farm work I can draw no comparison between my Australian servants and any Kafirs whom I have employed since I came to this colony, because I know of none which to be properly performed does not require either greater bodily exertion than most Kafirs can be induced to expend upon it or some degree of sense and judgment, in which they are naturally deficient; feeling no interest in their business, and which it is scarcely possible to teach them.

The carelessness, the automaton-like nature of Kafir labor is indeed its peculiar characteristic fault; all who use will recognise the truth of this description of it, the mistress who employs a Kafir scullion, and the farmer who hires a gang of boys to work upon his land. When the Kafir does as he is bidden, he obeys mechanically; his limbs, indeed, will move with more or less alacrity, as he is more or less afraid of the master whom he serves. But his mind is not in his work; he cannot be brought into a routine of duty, but will neglect the business which he has to do every day, unless he every day receives a fresh order to perform it.

In countries like Scotland where the supply of labor exceeds the demand, competition produces emulation, added to which is a kind of professional pride, of which every respectable labourer possesses more or less; and there is, moreover, a standard of duty towards employers to which public opinion amongst his own class compels a servant in some measure to conform. In a colony, where the relative position of servants and employers is so completely reversed by the demand for the former, the Kafir acts as we might expect a being would who is amenable to no feeling of duty, and is equally sure of finding employment by which to earn the price of his wife, be his character good or bad. To crown all—as if such an ignorant creature were not already in circumstances sufficiently inimical to his improvement—he is presented by government with the free use of land, and provided with the means of subsisting independent of work altogether.

2—There is an abundance of game in my neighbourhood, and I have frequently fallen in with hunting parties of Kafirs, ranging from five to 40 in number, all armed with guns, and consisting of Kafirs whom I know as belonging to different kraals around the two Noodsbergen. Besides this, as I duly reported to the Acting Secretary to Government, I have observed Kafirs whom I have seen go towards Pietermaritzburg with cattle, and return without

the cattle and with new muskets in their hands. According to the accounts given me by Kafirs with whom I conversed at times upon the subject, their arms are procured from D'Urban and Pietermaritzburg at night; but latterly, chiefly from parties leaving the country, because such guns are both better and cheaper than can be obtained elsewhere. Several Kafirs have offered to work for me for arms or ammunition, who refused to do so for any other consideration.

While the natives are so eager to possess fire-arms, parties will always be found willing to sell them; and I can conceive no means of stopping the supply until government take the trade in its own hands, and order a general registration of arms, such as is occasionally enforced in Ireland.

3.—The uncontrolled liberty to Kafirs of roaming over the country in all directions, has become a source of serious annoyance and loss to graziers like myself. We literally cannot call our farms, or at least the grass upon them, our own. Bodies of Kafirs are continually crossing the country and setting fire to the grass, when and where they please, sometimes for the purpose of encircling game, and sometimes for warming themselves on a cold day; the fire is then left to spread, and the consequence is, if this takes place at an improper season, either that the farmer is deprived of all grass for his cattle in the winter, or the young grass springing up (being the wrong season) the cattle are seized with what in this country is termed spongesickness; and, indeed, I can declare that by far the majority of the cattle which I have lost by death upon this farm have died of this disease, produced, I am equally convinced, by the practice I have described.

Kafirs, however, who are allowed thus to rove over the country, do not content themselves with destroying the grass. Since May last I have lost, at different times, no less than eleven head of cattle, which I have every reason to believe have been stolen, since no remains of any of them have been found: and I recovered two last winter, with evident marks of having been in the low country, they having ticks in their ears—insects which are scarce in this district in summer, and never found upon my cattle in the cold season. The remainder of the cattle, I feel no doubt, have been picked up out of the outlying herd by one or other of the many Kafirs who are always crossing the farm in every direction with cattle, without regard to the road.

4.—With regard to recognising the claim of the Kafir refugees upon the assistance of this colony, is most remarkable that so many intelligent and influential persons who have been examined before the Kafir Commissioners should have taken the same mistaken view of their duty, which Major Smith and Mr. West successively adopted, which the British authorities sanctioned in its most objectionable respects, and to which we owe our present perplexing positions towards Kafirs in Natal. The question between the

black and white population appears throughout all the evidence of these persons to be begged; the real merits of the case to be either overlooked or studiously kept in the back ground. Much is said of the moral obligation of government towards the Kafirs to retain them in Natal, but nothing of the prior compact which every civilized government when it founds a colony makes with its native born subjects, and which it cannot violate without renouncing the first purpose of its institution—to keep the country where it invites its native-born subjects to settle at least as habitable in every respect as it found it.

No argument is needed to show the impossibility of fulfilling both contracts—of retaining the Kafirs in their present numbers in any part of this settlement, and at the same time properly securing the lives and property of Her Majesty's native born subjects.

I am aware it has ever been the practice, as it is the pride, of both Great Britain and the United States, to afford an asylum to political refugees from all countries. The hospitality thus liberally awarded, however, amounts to no more than that its objects are allowed the same privileges, namely, security for their lives and property, or the right of earning an honest livelihood, as natives of these two countries, so long as they conduct themselves peaceably and obey the laws. Neither Great Britain nor America appropriate public property to the maintenance of foreign exiles, nor do such persons require it; any more would they be permitted an exclusive indulgence in habits repugnant to the feelings or annoying to the comfort of the rest of the community.

What course it may be requisite to pursue towards the Kafirs after they leave our boundaries, whether they should be allowed or encouraged to occupy the territory lately ceded to us by Faku, whether we should direct their movements elsewhere, or whether we should interfere with them at all, these are questions in deciding which, as any other regarding them, the colony has primarily if not solely its own safety to consult.

In the meantime, with the exception of such Kafirs as either possess aboriginal claims, are willing to buy or rent land, or to subsist by service, self-preservation demands no less than our complete removal of the black foreigners from every part of the colony.

Bold as such a measure appears to be, I feel so little confidence (from what I observe of the language and demeanour of the Kafirs) that anything short of it will permanently secure tranquility to the district, that unless it can be promptly and vigorously effected, I trust I may be excused for explaining the regret which it will then cause me to leave this country for Australia.

That country, in my opinion, is much superior to Natal for agricultural purposes, but this colony is, upon the whole, equally if not better adapted for the rearing of cattle (were it clear of Kafirs); because although the mortality by disease [among this

kind of stock is less in Australia, the loss by casualties is proportionably under in Natal; while from the present high price of land, and the distance from town at which alone a squatting station can now be obtained, Australia, (particularly in the present deranged state of its labour market) appears to me to offer a less desirable field for cattle grazing, and, for anything I can observe of this country, for sheep breeding also.

I am,

Sir,

Your most obedient  
W. WILSON.

Pietermaritzburg, 18th January, 1853.

E. Tatham, Esquire,  
Secretary Native Labor Commission.

Sir,

As I understand that it is open to any person to send in their suggestions to the Commission, I shall make no apology for troubling them with the following brief one.

Might not each chief be entitled to a certain proportion of the wages of each of his people? An arrangement which would powerfully induce him to send them in to work—and then be made responsible to the employer for their due observance of their agreements (voluntarily made)?—which would operate as a check on the native and as a remedy to the master against their capricious habit of absconding from service; for which no adequate and efficient preventive or punishment seems to be provided under present arrangements. The only objection I have heard to this is the additional trouble it would give the Assistant Resident Magistrates, and the additional expense it would entail on the government for a machinery of registration; but the amount of Kafir taxes on the one hand, and the importance to the colony of Kafir labor on the other, seem to outweigh or answer this partial objection.

I am, Sir,

Your's, &c.,

THOMAS PHIPSON.

D'Urban, 28th January, 1853.

To Edmund Tatham, Esq.,  
Secretary Native Labor Commission.

Sir,

I beg to acknowledge the receipt of your communication of the 24th instant, enclosing copies of the evidence adduced before the Native Commission.

I feel honored by the request to forward suggestions and opinions relative to the important matters under enquiry by the Commission.

Not having leisure, in the short interval allowed, to prepare a connected and succinct digest of my views, I have ventured to transmit extracts from articles supplied by me, as a contributor to the *Witness* newspaper, and subsequently as Editor of the *Natal Times* and the *Natal Mercury*.

The extracts from the *Witness* were originally published in that journal two years and a-half ago; but longer experience and closer observation do not furnish me with grounds either to retract or modify the general views therein embodied, and especially the practical suggestions relating to magisterial and educational government on the locations.

The extracts (No. II.) are editorial articles on the subject of immigration to Natal, viewed exclusively in its bearings on the maintainance of peace, and therefore on the condition and government of the native population. Of course I should not have presumed to introduce this subject in connection with other and more general interests; but as I cannot help viewing the question of a speedy, extensive, and well regulated immigration, most important with regard to the social and political objects contemplated by the Commission, I have taken the liberty of forwarding the extracts, which contain my carefully considered views and convictions thereupon.

I may perhaps be permitted to remark that of the various suggestions and plans proposed by the witnesses before the Commission, for the location and government of the natives, on the whole, I consider those of Mr. Archbell, the most safe and practicable in the present circumstances of the colony.

I was at one time favourable to the proposal for removing such tribes as possess no aboriginal claims to the soil, but further consideration, and the tenor of some portions of the evidence, have satisfied me of the inexpediency of such a plan, with reference to the preservation of peace and the supply of labor. Mr. Archbell's suggestions appear to me adapted to provide, as far as practicable, for these objects, without involving the risks that would necessarily attend a general or even partial removal of the coloured population, to an assigned and a separate territory. I take the liberty of adding, that the practical hints contained in the accompanying article, No. I., (although not framed for the purpose) are suited to the arrangements contemplated in Mr. Archbell's plan.

I venture to make only one further observation. It appears to me of the utmost consequence to prevent, by all possible means, the immigration into this district, of natives from surrounding tribes, especially of subjects of Panda, the Zulu chief. From careful enquiries of parties well informed on the subject, I am satisfied the influx from that quarter, continues unabated, or rather, is daily increasing; and I greatly fear it is encouraged, if not directed, with views and for purposes hostile to the peace and well being of Natal. Much significant information has been supplied before the Com-

mission as to the *dangerously good understanding* which subsists between Panda and his former subjects, and the refugee population of this district; and I certainly think it behoves the government to take prompt and most decisive measures, not only to stop the further influx of Panda's subjects, but to establish a more effective system of surveillance in that quarter, whereby every movement might be detected on the instant, and reported to government without delay. For this purpose, either European immigrants should be located on the border line, under arrangements with government, for protective police service, or a sufficient organized force should be maintained on that line, for preventing the entrance of Zulu subjects, and for the purpose of general observation. In addition to this measure, I think government ought to endeavour to enter into a more definite treaty with Panda, having for its objects the stoppage of emigration from his country to Natal—the furtherance of legitimate and the repression of illicit trade, and the establishment, on well guaranteed terms, of a general good understanding. It would be desirable, if not necessary, for these ends, to appoint a British Resident or diplomatic functionary to reside within Panda's territory, and as near as possible to his head quarters. Such an officer, on the spot, would be invaluable for the purposes before intimated; and in conjunction with the border protective force of settlers, or of an organized police, as suggested, would be the means of averting the danger which, in the opinion of many, threatens us from that quarter.

I concur with those who think that the native tax should be greater in respect of those living in, or within a short distance of the towns, than in the case of those living in remote parts of the country; that the tax should be remitted in favor of those who could produce a certificate or certificates (for the granting of which by employers, provision should be made) of continuous service with Europeans, for twelve months previously, and during the currency of such service; and that with the view to check the practice of polygamy, the tax, per hut, should be increased in proportion to the number possessed—that being equivalent to the number of wives:—for instance, that after the first, each additional hut should be charged double, treble, and so on, the amount of the single tax.

I have the honor to be, Sir,

Your most obedient servant,

GEO. ROBINSON.

#### ARTICLE I.

### THE GOVERNMENT OF THE NATIVE POPULATION.

(From the "Natal Witness.")

By GEORGE ROBINSON.

The peculiar circumstances of the Kafirs within this district, render them in a remarkable manner open to the action of civilization and good government. Very few, if any, it is believed, are indigenous



to the soil they occupy ; but they are fragments of surrounding tribes, who migrated hither under the attractions of an unpeopled and fertile territory, or to escape from the tyranny of their chiefs. Hence, they cannot be regarded as possessing any prescriptive territorial rights—a fruitful source in some British colonies of embarrassment and strife. And in so far as they are refugees from the tyranny of chiefs who still claim their allegiance, and would punish their recusancy, if they had the power, they may be considered as pledged to good behaviour and pacific conduct, by the protection and safety afforded them under British sway. Moreover, the fact of their being a “ fragmentary ” people, is favourable to the more easy establishment of British government over them, and renders them more accessible to the influence of British civilization. It is true they exist amongst us in clans and kraals, under captains or petty chiefs, to whom they acknowledge fealty ; that they retain their own laws, customs, and observances, and that a sort of homogeneousness of social polity pervades the entire mass. Still, the cohesive power of one acknowledged ruling head, supreme over all subordinate authorities, is wanting amongst them. They form a republic of petty clans, without a federal head ; and must, therefore, exist in a state of political weakness, and be open in a good sense to the aggressions of extraneous influence, whether in the shape of a mild and cautious civil government, or an agency purely moral.

Physically and intellectually, the Kafir must be regarded as occupying a pre-eminent place amongst the tribes of uncivilised humanity, and his moral characteristics will bear a no less favourable comparison.

Strong, active, and capable of great endurance, his labour is already felt to be valuable ; but under the influence of improved habits, and the direction of wise laws, it would constitute an indispensable element of social progress in our midst. At present, it is fickle and capricious, and but rarely rendered for a time long enough to give it skill, method, and confidence. Virtually subjected to no law but the usages of his tribe, agreements for service beyond the period of monthly payment are practically unavailing, inasmuch as he can be “ absent without leave ” at any time ; and the attempt to compel the fulfilment of a contract of that kind, even if he were traced and brought back to his post of duty (a task of no little difficulty and trouble), would result only in vexation, his labour being rendered not willingly, but “ of constraint ; ” and every one who has employed a Kafir knows how, without positive refusal to work, he can yet, with sullen indifference, and assumed stupidity, contrive to be worse than useless.

Most of the evil is attributable to the unjust or injudicious treatment of the employer ; but if the normal condition of the Kafir were changed by the application of a wholesome and sustained disci-

pline of organised civilization, conducted on the location to which he belongs, but little scope would be left for the exercise of such treatment during his servitude, or if practised he would know how to vindicate his rights, and avail himself of the means established for his redress.

In too many cases the natural suspiciousness of the native character, is perverted into settled distrust, and his shrewdness into low cunning, by the attempts of unprincipled and selfish employers to deceive and defraud him, and by the repeated violation of promises made only to serve a present purpose, with no intention of being fulfilled. Hitherto, it is to be feared, the intercourse of the natives with Europeans, (at least that of a merely secular and mercantile character) has tended to the moral deterioration of the former, and such intercourse, as it extends and multiplies, augment the evil, affecting their personal character, and rendering them more dangerous as a portion of the body politic, until a social regeneration shall have been wrought in their character and habits.

This may seem to imply a serious and sweeping censure on the European employers of the natives. Any one, however, who has had opportunities of extensive observation, cannot but admit that, besides the more culpable instances of injustice and cruelty, so little pains are commonly taken by employers to modify their conduct in adaptation to the specific idiosyncrasy of the native character, and so little uniformity and self control exercised in the general course of treatment, that a continual succession of irritations and needless annoyances aggravates the natural inclination to frequent changes of locality, and is a fruitful source of the moral evils to which allusion has been made.

If, however, the native servant were trained in a knowledge of his social duties, obligations, and rights, and were habituated to the dominion of just laws, framed with discriminating judgement, and applied with even hand to his master as well as himself—his labor enhanced in value by the enlightened character conferred upon it, would be at the command only of those who knew how to use it aright; and self interest, where higher motives were absent, would thus, in the employer's case, be enlisted on the side of justice and kindness.

The mysterious melting away of the coloured races over large portions of the earth, in the presence of European and Anglo-American civilization, is a subject of intense and painful interest, opening up a wide field of philosophical speculation, and suggestive of great ideas connected with the designs of divine providence, as to the future condition of our world.

The physical and mental characteristics of the Kafir, as well as his social circumstances, indicate, however, no tendency to the decay or extinction of the race. Here, therefore, the course alike of

duty and policy is plain and obvious. A numerous population of able-bodied, intelligent, and improveable savages is around us, who have hitherto been living as they listed, without any systematic and effective government exercised over them by the power whose subjects they are. They constitute a huge family of grown up children, left without instruction or discipline—a vast field of rank, uncultivated, and therefore profitless vegetation.

The want of a suitable government has been felt and acknowledged from the first settlement of the district as a British dependency; and much avoidable evil has accumulated from the delays that circumstances have occasioned, or a timid policy has suffered to occur. Some years ago commissioners were appointed to devise a plan for the location and government of the natives, and their report was published in the parliamentary proceedings, in a separate "Blue Book" relating to Natal.

The plan generally was to settle the Kafir within certain defined boundaries, called locations, set apart and reserved for the purpose, in different parts of the district; a superintendent, having magisterial powers, being placed over each location, together with a clerk, or registrar, a schoolmaster and schoolmistress, and a small body of native police. One most important desideratum was provided for in the plan, namely, a complete registry of the native population belonging to the location, with particulars of the property in cattle, &c, held by them. Parties leaving the location on service, or otherwise, were to be furnished with tickets, by means of which their migratory habits would be checked and regulated, and the manner in which their time had been occupied while absent from home readily ascertained, employers being required to notify the particulars of service on the tickets; and superintendents the visits of natives to locations other than their own—power being given in the latter cases to supervise the objects, and limit the time of such visits.

The scheme included an administration of justice based, as far as practicable, on the principles, and pervaded by the spirit, of British law; yet avoiding a sudden and violent interference with the established tribunals and usages of the natives, where these did not contravene decency, humanity, and public morals. The schools were to be chiefly of an industrial character, in which useful domestic and mechanical arts were to be taught, while morality, on Christian principles, was to be cautiously but sedulously enforced. The whole establishment seems meant to have been, so far as a wisely organised machinery and a carefully selected official administration, could secure that end, a model of christian civilisation in its domestic aspect, as well as its public arrangements, to which the sympathies, confidence, and practical loyalty of the native colony in which it was planted, might be gradually and insensibly, but surely won.

It ought to be mentioned that the report contains an earnest recommendation that the operations of christian missionaries should be fostered and encouraged, so that no antagonism might be observable to the quick eye of the native, between the secular and religious agencies established in the midst of them. And in the same spirit it is urged that the utmost care should be taken in selecting the chief and subordinate officers of each establishment. Unless there were the living practical exhibition of personal virtue, and domestic order, it is obvious that the public official administration would be feeble and unproductive, if not repellent and injurious.

The practical remarks and suggestions that follow are chiefly the results of my own observation and thought, though I daresay the spirit of some of them may have been originally derived from the documents to which I have referred. Laws for the regulation of labour, and interference, by authority, with the relations of master and servant, involve much delicacy and difficulty; and in the following suggestion I fear some will think me a renegade to the principles of British liberty. Considering the Kafirs, however, as children or minors, in their present incipient state of knowledge, experience, and moral culture, the state occupies towards them, civilly and politically, the relation of parent or guardian, and, in their present circumstances of incapacity to fulfil the duties of the social compact, of which, nevertheless, they form a part, I confess to the opinion that a *modified and well guarded system of apprenticeship*, in the service of Europeans, would be justifiable and beneficial.

The engagement should, of course, be voluntary, and for a limited term, probably not exceeding three years. It should be open to be cancelled during its currency, by mutual consent, ratified by the Diplomatic Agent, or other appointed officer, on a statement of reasons by him deemed satisfactory. Laws would, of course, be required, regulating the conditions of apprenticeship, and securing just and equitable treatment. The power of corporeal punishment to be defined, and a very limited extent should, in certain cases, be allowed to the master; but heavy penalties should be imposed for unauthorised or excessive inflictions; and a graduated scale of fines should also be levied, for the infraction of the general laws, established for the protection of the native servant or apprentice.

The legal provisions should, likewise, include certain details of social treatment, and personal habits, which may seem beneath the dignity of such enactments, and contrary to the spirit of individual liberty; but which, in the present state of society amongst us, are highly desirable, and would be justified by the exigencies of the case.

Employers should be required to provide for their apprentices or servant a frame, raised above the floor of their hut, or other dormitory, on which to sleep, with suitable covering; which, together with all articles of clothing, the said apprentices should be required to keep clean. Vessels and utensils for the preparation and eating

of their food, should also be provided by the employers, and certain fixed times each day set apart as their own, for the taking of their meals.

Their labor should be suspended on Sundays as far as practicable, and special encouragement and opportunity afforded for attendance at the native church or chapel, where accessible.

They should be required, under a penalty, to wear a garment covering the person from the shoulders to the knees, during the term of service, and in all their visits to European settlements.

The use of the beads, rings, and other trinkets with which they decorate themselves should be mildly but systematically discouraged, and for this purpose it would be well if the price of such articles were quadrupled by the imposition of a high import duty on them—a measure to be justified only as a temporary expedient to wean them from their use. On the other hand, they should be induced by every fair means to adopt the clothing and social usages of civilized life. A mischievous custom prevails of giving Kafir servants snuff and tobacco, the former of which is in almost universal use to excess amongst them. This practice should, by all means, be discountenanced, if not legally forbidden; and in lieu thereof any extra duty might be rewarded with sugar, raisins, or simple sweet-meats, for which they have a great liking. Besides, the taste for such things might be made auxiliary on the locations to practical instructions in the cultivation of the sugar cane and the vine.

For ordinary services it is unwise to give them anything beyond the stipulated wages; but these should be paid with rigid punctuality. Gratitude, in the present state of Kafir character, is a transitory emotion not a principle. It expires with the momentary enjoyment of the indulgence or gift presented. They understand justice acutely, and are, happily, very hard to cheat; but they are as yet impervious to the softer influence of *unstipulated* generosity. I speak of them generally. There are exceptions, of course, but these, I apprehend, result either from protracted service under favorable circumstances, in some high principled and well regulated family, or from the direct operation of Christian principle on their minds.

Medals should be presented, provided at the public expense, to those Kafirs who fulfilled a protracted term of service to the certified satisfaction of their employers. These would operate as inducements to future diligence and fidelity, and be everywhere a commendatory character, facilitating new engagements of service. I oppose the opinion of many experienced colonists when I recommend that the natives should be encouraged in attempts to acquire and to speak the English language. But I do so without hesitation; for although an acquaintance with our tongue opens to them in too many cases "evil communications" which corrupt "good manners," it at the same time gives them access to a wider sphere of know-

ledge, and a more accurate appreciation of the advantages of civilization.

On the locations a great work will have to be attempted, when the contemplated machinery shall be brought into full play. By means suited to their comprehension the migratory habits of the natives must be gradually changed; and this will be best effected by teaching them the value of other property besides cattle, the superior results of improved methods of cultivation, and the purer happiness connected with the social and domestic habits of civilization. To accomplish these ends examples must be placed before their eyes, drawn from amongst themselves, and appealing, therefore, to their national or natural sympathies. Under enlightened practical direction it would, I apprehend, be no difficult matter to train, on the establishment of each superintendant, a few natives with their families, as models for the rest; whose comfortable cottage dwellings, with their fruit trees, flowers, and vegetable productions—adjacent land-plots, yielding in their season various crops of grain; together with the aspect of internal domestic comfort, and ascertained superiority, in money value, of the results of such modes of labor and living would be visible monuments and standing evidences of their own capabilities, if applied in a similar direction; and would soon insensibly lead to general imitation. To encourage such attempts at imitation rewards should be offered in the shape of useful clothing, simple European luxuries, and especially free grants of the cultivated land plots to those who acquired and maintained, for a given period, the greatest proficiency.

Sedulous attention should be paid to the industrial and moral training of the young of both sexes; and to the improvement of the condition and social status of the women.

To encourage the men to perform out-of-door labor, and to leave their wives and unmarried female relatives to occupy their proper sphere in discharging maternal or domestic duties, should be an object strenuously aimed at; and to instances of exemplary conduct in this respect suitable rewards should be given. The practice of polygamy, and the custom of obtaining wives by the payment of cattle, would yield gradually to the influence of the altered circumstances I have sketched, and to a mild and judicious infusion of the purer morals of Christianity. The requirement of unsuitable labor from women, and the purchase of additional wives where one was already possessed, should disqualify from all participation in rewards, whatever other favorable circumstances might exist.

On every location there should be a Store, under the supervision of the head of the establishment, for the sale, at moderate prices, of clothing, provisions, utensils, and tools; by which means their new wants and improved tastes would be provided for, without the necessity of a journey to a town; and thus the tendency to wander would receive an additional check. A more economical method,

as regards both time and labor, would be found for disposing of their surplus produce at the nearest market, by the employment, in the course of time as mechanical arts advanced among them, of vehicles of their own construction, drawn by oxen of their own; one or two individuals being deputed by their neighbours to convey and sell the produce of several at the same time. This idea may be smiled at by some as Utopian, but proofs of the power of Kafirs to construct such vehicles are to be found within a short distance of this town, and there exists amongst them a spirit of mutual confidence which would render such an arrangement practicable and easy.

Finally, I would urge the establishment in the principal towns, if not on all the locations, of a simple system of banking for the natives; which, in order to secure their confidence, should be under the sanction and direction of the Diplomatic Agent; but government should have the custody of the monies deposited, and be responsible for their repayment. The natives should be encouraged to deposit the smallest sums—the surplus fruits of their labor and industry—and the whole should be receivable again at any time on demand, with an augmentation proportioned to the amount accumulated, and the length of time it had remained.

Difficulties would at first attend this measure, arising from the suspiciousness of the native character, and their grasping love of *imali*; but these would rapidly vanish when the experiment had once been made, and the improved result realized in a few cases. Habits of forethought and sustained industry would thus be fostered, and the surest means unfolded to them of possessing themselves of the objects of their ambition or desire.

The effects, also, on the trading interests of the colony, in the dispersion of so much of its principal circulating currency, now hoarded and hidden by the natives to an unknown extent, would be generally and most beneficially felt. The scheme would require great care in its construction and administration, but I am persuaded it is practicable; and no one will deny its utility, if the confidence of the natives were once secured.

In the entire scheme of agency and government which I have been contemplating, I do not anticipate the absence, on any location, of the direct co-operation of Christian effort, by means of missionary labour. Without such co-operation I believe the best constructed machinery of civilization would be ineffective. But since Christian missionaries are found on the locations, in their present state of impracticable extent and total neglect by government, I cannot doubt that in their more compact form and more favorable circumstances, evangelical operations would be conducted in close and harmonious juxtaposition with the civil establishments; always assuming that care will be religiously taken to secure the latter from the contamination of examples of character and conduct at variance with the precepts of practical Christianity.

It was my intention to have alluded to other matters of interest connected with my subject in its various bearings on the well-being of the colony, and on "the work of civilization"; but I have already trespassed too largely on your space, and must forbear.

## ARTICLE II.

### IMMIGRATION.

VIEWED IN CONNECTION WITH THE MAINTENANCE OF PEACE,  
AND THE CONDITION AND GOVERNMENT OF THE NATIVES.

BY GEORGE ROBINSON, EDITOR.

Natal occupies a position of singular importance as regards the future maintenance of peace in Southern Africa. The peopling of this district with a British population sufficient to keep in thorough subjection the native refugees within it, and to repel any aggressions of the tribes beyond, would constitute an ample guarantee for the preservation of peace in all time to come within the British possessions of the African continent south of the equator. When we speak of the district of Natal, we include the country lying between the Umzimvubu or St. John's River, and the Umtata, the dominion of which was recently ceded by Faku to our local government. That country all travellers concur in reporting to be incomparably superior to any part of the old colony; and as surpassing even our own district of Natal, in its exuberent fertility and its manifold capabilities for colonization. St. John's River possesses a capacious entrance, and is navigable for 18 miles, the bar at its entrance presenting no greater obstacles than our own; and twenty miles north of it an indent of the coast forms a fine bay, and safe anchorage for any number of vessels, the character of the coast being such as to render communication with the shore safely practicable. The banks of the Umzimvubu are covered with forests of the most valuable timber, suitable for ship building and cabinet work; and the abundance of gums is such that one of our enterprising fellow-townsmen is at this moment maturing plans for collecting and conveying them here for the purpose of exportation. The whole country is undulating and park-like in its appearance, and the climate and soil are represented by those who have travelled through it to be salubrious and fertile in the extreme, and especially adapted for cattle and sheep farming, and for European agriculture generally. This fine tract of country fortunately presents no difficulties as regards territorial rights. An intelligent British traveller writing of this region fifteen years ago, speaks of it as a "most beautiful tract, well watered and wooded;" and adds "Faku and N'Capai have destroyed and driven out the few inhabitants who recently occupied a portion of it near the Umtata." "Faku would willingly part with the land for a reasonable consideration." We believe the latter is now a well established fact, any that this territory could be added to our possessions on the most easi



terms, and without the infraction of any aboriginal rights. The same traveller says, "the Umtata mouth forms a good harbour, and its situation about halfway between the Colony and Natal, points it out as a suitable intermediate port, from whence supplies could be conveyed into the interior, and the productions purchased by the traders, be shipped for the Colony or for Natal." This remark however, applies with much greater force, so far as Natal is concerned, to the Umzimvubu, or St John's River.

Numbers of our enterprising fellow-colonists, especially the older and more knowing ones, are anxiously waiting to establish themselves in this land of promise, so soon as the British government shall annex it to our territory, and settle the arrangements for its colonization. We believe we are correct in stating that one of the oldest and most influential inhabitants of D'Urban, whose local experience dates from a period long anterior to British dominion in Natal, is about to proceed to this Umtata district on a tour of personal observation, with a view, we may be sure, to practical results hereafter.

But we wish especially to direct attention to the aspect of this question as one of imperial policy at the present crisis.

The peace which the district of Natal has hitherto enjoyed, it is obviously of the utmost importance to British interests, should be preserved; and nothing, as we have already remarked, would so effectually secure this as the introduction of a numerous European population. Not only would British interests be thereby fostered, but the powerful Zulu nation on our northern border, and the restless tribes of the Sovereignty, on our western would be kept in effectual check. Still, however, as long as the tract we have been describing lies on our southern flank, in its present open and unoccupied state, it will be a continual point of danger to us, should circumstances tempt the hostile frontier tribes in the direction of this district. But it is still more perilous to the permanent tranquility of the old colony, furnishing as it does, a convenient place of retreat and refuge in time of war, for their families and cattle, and for their armies, under the harrassing tactics of native warfare.

It is a well known fact, that warfare among savage tribes is of the guerilla kind, a system of surprises, ambuscades, and sudden attacks of concealed parties; and that they contrive, if possible, to have in their rear, an open and secure retreat. If attacked in their rear, they are thrown into instant panic, and at once fall or fly.

Notwithstanding the opposition it encountered, and the grave reasons which then existed against the measure, we are firmly of opinion that if the native force from this district, contemplated a year ago, had been successfully organised, efficiently officered, and promptly despatched to attack the fighting tribes on their rear, the frontier war would have been quickly brought to a termination; and we are equally convinced that that termination would now be

hastened by the movement of Faku's army in pursuance of the same policy, provided that very cool-hearted and doubtful ally continues faithful. Hence, however, arises the danger. Her Majesty's government will not always maintain such large bodies of troops as the extraordinary circumstances of the past year have rendered necessary; and when Southern Africa shall again be reduced to a "peace establishment," we shall possess no security against fresh intrigues on the part of our enemies, and no guarantee for the continued fealty of our professed friends, unless this district of Natal, including the unoccupied country to which we have alluded, becomes the seat of a populous British colonisation, which, besides sufficing for the maintenance of its own peace, would act as a constant and effectual check to the restless tribes beyond.

Now is the very time for the British government to promote an emigration commensurate with that object; and the expenditure from the imperial treasury of half a million of money for that purpose would be a wise national economy, for which even Joseph Hume might consistently record his vote.

The establishment and first superintendence of so extensive an immigration, would necessarily require the presence of a considerable military force. Such a force the frontier war has already brought to our shores; and the moment the war is over, that force will be available for giving protection and effect to the arrangements connected with this more peaceful enterprise of colonisation. Happily, with their services not immediately required elsewhere, the expense of their transport hither already incurred, and the cost of their maintenance here, at least as moderate as at home, our brave troops would thus be in a position without additional expense, to win more lasting laurels than warfare with savages can gain for them; and to earn a more satisfactory recompense for the harrassing toils and hardships of that warfare, by being constituted agents in the establishment of a flourishing British colonial empire in Southern Africa, and planting on the very fields of war and barbarism the united banners of peace, freedom, and civilisation.

By this means not only would the destructive and expensive wars which have been so frequently a scourge in this part of the world be put an end to, but a boundless field be opened up for the profitable employment of the surplus capital and population of the British Isles; and an amount of wealth thereby created, to which the utmost expenditure connected with the measure for which we plead, would be but as a drop to the waters of the ocean.

On all grounds, therefore, whether of our colonial interests or of imperial policy, we regard the subject of emigration to Natal as one of paramount and pressing importance; and we trust it will be promptly taken up in an earnest and zealous spirit, by our leading men.

The present is the time for successful action on the home government. Considerations prevail, and facilities exist at this moment

which may—which certainly *will*—be wanting hereafter ; and if the advantages of the present crisis be lost by supineness or neglect, generations may pass before a similar opportunity recur ; and meanwhile, by our criminal disregard of present and obvious duty we shall have wilfully shut that “ wide and effectual door” of colonial peace and progress which Providence, by the conjuncture of passing events, has opened before us.—*Natal Times*.

Without a single unfavorable manifestation connected with her natural capabilities, but with accumulating evidences of their wonderful variety and extent, it is a fact which it would be folly either to deny or to conceal, that Natal is in a depressed and languishing condition. Mercantile business is stagnant, and the farmers complaining that they can find no market for their produce, are yielding to despondency and inaction. Numbers to whom the means remained, have left, or are meditating to leave her shores. The white population of this colony is said to be between 5 and 6,000, and within the short period of three months there will have left the colony (including the passengers by the Sarah Bell on the eve of departure) not fewer than two hundred and sixty souls, of which number, we believe, that at the outside not more than forty can be considered as likely to return. The number of new settlers who have arrived during the same period is altogether insignificant. This is a gloomy state of things, and so long as the Australian mania continues, we see no ground for anticipating the turn of the tide, unless some extraordinary means are adopted for forcing attention in this direction. We take it that the only means of our revival are to be found in some extensive system of immigration promoted and supported by British capital, either public or private. We declare our belief that this is not only essential for reviving and developing the industrial energies of the colony, but for the maintenance of peace within our borders. Without desiring in the slightest degree to excite popular alarm, our exposed condition and our very defective means of defence, are sufficient to justify some degree of apprehension with regard to our future peace. On the whole, the circumstances of this colony are such at the present time, as to demand the strongest representations from the local to the Home Government of the absolute necessity, if Natal is to be saved from impending destruction, of an immediate and extensive immigration at the expense of Government. Such an immigration under the auspices of Government would draw in its train the private enterprise of British capitalists, who would feel that there was at length presented a safe and profitable field of investment. The expenditure on the part of Government necessary for such an immigration would be as nothing compared with what the continuance of the present state of affairs is calculated to entail. It will, however, be a most eligible time for establishing and consolidating a new and numerous body of settlers within our borders, inasmuch as the large bodies of troops at present engaged on the Frontier, will, on the termination of the war now evidently at hand, be available without additional expense, for the purposes of the Natal Immigration, while their presence would also facilitate and render safe, such measures of removal regarding the natives as the course of the Commission on the Native Question is beginning to foreshadow. We think it is the first duty of the colonists to impress upon the Government the urgent need of the movement. We have specified no plan, nor even indicated an outline, being thoroughly satisfied that Government must do the work, and therefore will claim to do it in its own way.—*Natal Mercury*.

Government is morally bound to administer effective succour in this crisis of the colony ; the immigrants as a body are not to blame for the stagnation and gloom that has come over the industrial interests of the community. Government is as much, if not more responsible than any other party, from its ready sanction of schemes utterly unsuited to the physical and political circumstances of the district.

By offering adequate grants of land to farmers, in proportion to the capital they engage to introduce, and by giving free passages to a numerous body of agricultural labourers and their families, with other details and arrangements which it is not for us to go into at length, a body of settlers would be introduced by whom an incalculably wholesome stimulus would be applied to our present depressed agriculturists, while trade throughout all its departments would speedily experience a revival.

But the immigration we have now indicated is only part of a larger scheme, which we feel persuaded it is alike the duty and the policy of the British Government to introduce into this district. As we intimated on a former occasion, we do not wish to be considered alarmists, but of nothing are we more confident than this, that sooner or later, unless Government avert the calamity by means of a fructifying, economical, and conservative immigration, this district will demand for the maintenance, if not the restoration of its internal peace, an expenditure from the Imperial Treasury, to which the present proposed outlay would be as nothing ; and we leave altogether out of account those considerations of suffering and slaughter which the other alternative involves. But our second scheme includes an immigration of a more specific,—a quasi military kind. We would have Government offer inducement to pensioners, retired soldiers and other eligible classes, to emigrate to this district, and form settlements, on the tenure of military service, along the border line, separating the parts occupied by the whites, from the district assigned to the native population, and we would also have a similar chain of settlements along our northern boundary flanking Panda's line. This scheme for planting a conservative border population, would require the presence of a considerable military force for some time, to organize protect, and consolidate the new arrangements, but ultimately our district would be so strong in its own colonial population, that a very small military force would suffice for its permanent security. The time is every way auspicious for pressing an important movement of this kind. assuming as we confidently do, the near termination of the Frontier war. If on the contrary, Government refuse to interfere on our behalf, but leave events to take their course,—events for which Government itself is mainly responsible—there is nothing before us but destruction to our trade and commerce, and a social future from the contemplation of which we shrink with horror.

### ARTICLE III.

#### THE LOCATION SYSTEM.

By GEORGE ROBINSON, EDITOR.

**NATIVE GOVERNMENT.**—On our first page will be found the official Instructions addressed to the newly constituted Board of Commissioners on the affairs of the Natives.

The suggested "heads of enquiry," under the fourth clause, indicate pretty clearly an intention, on the part of Government, to deal with the

Locations, either by the removal of the natives to other parts, thus throwing open those extensive and fertile tracts of country, to the enterprise and industry of European settlers ; or by so reducing their proportions, and splitting them into sections, with intermediate settlements of white people, that the present evils attending the isolated congregation of independent and numerous hordes of savages, may be done away, and a system of more effective surveillance and intercommunication, may be introduced, in conjunction with a vigilant administration of law and government. Such a scheme (as we intimated last week), we have other grounds for believing to be in contemplation. The former alternative,—that of the entire removal of the Location natives, would undoubtedly possess superior advantages in many respects, as regards the interests of the white population ; but it is a measure involving serious contingent results, and requiring, probably, for its safe execution, a state of perfect tranquility amongst our neighbours, and even then, a more effective burgher and military force, than we can at present command. Supposing the Location natives to be removed to the district south of the Umcomas, there would certainly be required, not only a considerable protective and conservative force for the occasion ; but some large measure of immigration simultaneously carried into effect, whereby the border of the new native territory might be permanently flanked by a population of European settlers. We confess, on the whole, we question the present practicability, or at least safety, of a scheme in the abstract, and under more favourable circumstances, so desirable. The readjustment, therefore, of the Location system, on some such principles as we have indicated, we regard as the wisest policy in the existing state of things around us.—*Natal Mercury*.

**THE NATIVE LOCATIONS.**—Amongst the subjects for enquiry and elucidation by the newly constituted Commission on the Native Question, none is of greater importance than that connected with the present Location system ; for it has intimate relation to the supply of labour, as well as to the future government of the Native population, and the peace and well-being of the colony. Amidst the unhappy differences of opinion existing as to other matters, there is we believe, on this subject, an almost unanimous conviction that the Locations have been a failure ; and that altogether new arrangements are imperatively demanded. The project of a wholesale removal of the Natives to an assigned territory beyond the limits of the settled parts of the district, is viewed by many as in itself, if not impracticable, yet fraught with perilous difficulty ; and as attended with great danger to our future peace, even if the exodus itself could be safely effected. It is argued with much plausibility, that to congregate, in one place, so large a mass of savages, would only be, pro tanto, an aggravation of the existing evils ; inasmuch as the difficulties of governing would be augmented by the increase and concentration of numbers, as well as the danger of hostile movements enhanced, by reason of the greater cohesion and power thus given to the coloured people.

The great and general objection to the present Locations is their involving these difficulties and dangers, by their undue extent and exclusive occupation ; and the concurrence of opinion is in favour of breaking them up into smaller sections, under effective magisterial superintendence, and planting around such reduced and manageable sections, a cordon of European settlements. By this means, a wholesome surveillance would become prac-

licable; dangerous combinations, be prevented; the cause of civilization advanced; and the wants of the labour market more readily supplied. On these main features, we feel confident, there is a pretty general coincidence of public opinion; and any policy that should seek to perpetuate the present system would be reprobated by all classes, as fraught with mischief and ruin.—*Natal Times*.

---

Sterk Spruit, 17th January, 1853.

Sir,

Your letter of the 13th instant, as also copy of Instructions from the Lieutenant Governor to the Kafir Commission, I have received. I shall answer the points contained in these instructions as they follow.

I am not able to say anything on the first point.

With regard to the second point, I ascribe the migration of Kafirs to this District to the easy way by which they can acquire property, and to the protection they receive, giving nothing for all the good they receive.

Respecting the third point, I am of opinion that the migration of Panda's people cannot be checked in another way than by delivering up to Panda, at his request, only one deserter. This alone will keep the Kafirs back from troubling us, and one example of this kind will be sufficient for ever. I consider it better to deliver up one Kafir, than to bring our district on account of these deserters into war and bloodshed.

Regarding the fifth point. I must say I never heard that any emigration was going on from this district.

About the eleventh point I can only say that there are men who allege that Langabalela and Matuaana protect us against the Bushmen; I don't know it myself. There are also some who affirm that Faku has exterminated or driven the Bushmen away.

If these famous two chiefs have really contributed to keep the Bushmen from stealing, I should approve of them remaining where they are, provided they are placed under good magistrates, and obliged to give their young people to the white inhabitants as servants, who will have to pay them wages.

The twelfth point contains a great inconvenience for the public; and if no measures are taken to provide the farmers with labor, many will be obliged to abandon their farms for want of labourers. The country is full of Kafirs, so full that we don't know what to do with them, and that we fear the multitude, and yet there is hardly a Boer to be found who is supplied with labor.

The Kafirs are lazy by nature and accustomed to do their work under the influence of fear; they are protected in this district, they live on land for nothing, and as they have little wants in their condition of life, they can live without working. Their own work must be done by their women, who they treat as slaves. But I consider it with respect to their civilization, as well to their own improve-

ment, as an act of justice to the white inhabitants that they should be compelled to go into the service of the Boers.

The Boers are placed in a dangerous position, intermixed with them; sooner or later perhaps [to be involved into war with the same Kafirs; who have no right to any land. Those who are a burthen to us ought at least to work, thereby to do good to the community they have brought into jeopardy.

I request you to bring my answers before the gentlemen of the Kafir Commission.

And have the honor to be Sir.

Your obedient Servant,

J. G. HATTING,

Field Cornet.

Mr. E. Tatham, Secretary of the  
Kafir Commission.

P. H. Zietsman.

Translator.

---

Doorn Spruit, 16th January, 1853.

Sir,

I acknowledge the receipt of your letter of the 13th January, as also copy of Instructions from the Lieutenant-Governor to the Kafir Commission, and will answer the points contained in these Instructions as they follow.

Regarding the first point, I beg to state that I arrived in this country in 1838. I then found about 60 Kafirs at the source of the Tugela. Job was at Job's Kop, but I do not know how many men he had. At the Houtbosche rand was a small number of Kafirs, say about 50. In the neighbourhood of the Bay there were more Kafirs in number, but they were all poor, for as soon as they became possessed of anything their property was taken away by the chief Dingaan.

2—I am of opinion that the reason of the constant migration from Panda and surrounding Kafirs to this District is because they can so easily and conveniently obtain land in freehold, and because they receive a privilege of protection, not only undeserved, but to the prejudice and danger of the white inhabitants.

3.—With regard to this weighty point, I am of opinion that there is no other means than only to deliver up to Panda, at his request, one deserter; for it would be much better to give back one deserter to his king, than to involve this whole district, by allowing constant migration to it, into tumult, war, and bloodshed.

4—I am not prepared to give any answer to this point.

5—I am not acquainted with any emigration going on from this district.

6th, 7th, 8th, and 9th points.—I am not able to answer on any of these points.

10th—It was the intention of the Volks Raad to remove the

Kafirs from within this district, by gentle means, or by force, to beyond the Umzimkulu.

11th—It is considered by several people that Matuan and Langabalela prevent the Bushmen from stealing; others, again, maintain that it is Faku who rooted them out. If the Kafirs are really a check upon the Bushmen. I would recommend that these two chiefs should be allowed to remain under the Drakensberg, in locations under good magistrates, and a sharp rule; every misdemeanor or disobedience should be punished immediately, by strict laws. The chiefs should at the same time be obliged, on the application of the magistrate, to send young men out to work for the white inhabitants, for wages.

12th—Want of labor has come to a deplorable state, and almost universal. This is to be attributed to the laziness of the Kafirs, and to the easy way they can supply their wants in their barbarous state; living, as they do, in great numbers on unoccupied farms, or on government land, without payment. By allowing the Kafirs, who give us so much trouble and who bring us in such great danger, to go on in the way they do, by giving them protection and an opportunity to accumulate wealth, without demanding from them in return something that will lead to make them useful people, is not only to misplace humanity, but leads to plunge us into wretchedness.

There are no other means to rule the Kafirs but by fear; and Kafirs will not work for the white men unless they know that they will be punished when they refuse. My opinion, therefore, is that the Kafir chiefs (should they be removed beyond the Umzimkulu) should be compelled, at the request of the magistrate, to send their young Kafirs to work; and that disobedience in this respect should, as in every other misdemeanour, be followed up by severe and inexorable punishments.

Requesting that you will bring the above before the gentlemen of the Commission,

I have the honor to be,

Sir,

Your obedient Servant,

J. du PLIESIES.

Mr. E. Tatham, Secretary to the  
Kafir Commission.

P. H. Zietsman,  
Translator

---

“Table Mountain, 25th January, 1853.

SIR,—In accordance with my former statements respecting the Native Question, I now beg to lay before your Committee an explanation of the case I then alluded to. At the same time this will be a more direct answer to those topics: “A. The age of majority, male and female. B C D.”



The great and serious evil of Natal is said to be the great extent of the Native Locations, as encouraging the natives in their nomadic life and habits, rendering to them a great facility of acquiring means of affluence indulging them in ease and indolence, and especially preventing them from entering into what may be called the labor market. Though I agree in all these consequences, I am of different opinion respecting their real cause. I remember, the question has frequently been put forth—Why can Natal, being so extremely fertile, not provide herself with meal of her own? Should it be proper and correct to answer: it is because the farms are too great—or, because there is so much ground for other purposes to be cultivated that the farmers can not spend much labor for the purpose of providing the market with meal? Or is it not because that the farmers can much sooner become rich by the easy way of breeding cattle than by growing wheat? Again, if asked why do trading people not put their hands more to manual labour? It is not because the extent of commerce of trade is so great, but they can have an easier existence by trade than by labour. Or, why do those white people, who are year after year hunting in the Zulu country, and exposing themselves to many dangers, not purchase farms and cultivate them properly? The answer, certainly, cannot be: it is because the farms are too dear or too great for cultivating them;—but because they can, or at least they think, to get rich sooner by their trade in ivory. Just so it is with the natives. They have a trade through which they can get sooner on without feeling the necessity of going in service. That the extent of the locations renders a great convenience for their trade is merely accidental, and a subsequent circumstance to the real cause.

The different plans which have been put before the Native Commission, respecting altering or doing away with the locations, &c. &c., if carried out, will, I doubt not, result in fearful consequences. Since it has been publicly acknowledged by the highest judicial authority of the colony (the judge), that the aboriginal chiefs have a better right in this land than the white man,—and since it is a fact that Government has pledged its faith to the locations into which those natives also, that have no aboriginal claim, have been received and located;—and since it is also a fact that these natives altogether, have not disturbed the peace of the country or rebelled against the Government, as to become liable to be justly punished and deprived of their rights and grants, for doing so, I therefore am of opinion that it should be a great injustice, to take from them that which they have a right in, or which has been faithfully granted, in order to put a restraint to their way of living or to effect other desirable purposes and ends. Cut the locations shorter, or do away with, is soon said, but that rebellion sooner or later will be the result—can be apprehended, just as this has been the case with the Dutch farmers, whose farms were withheld or withdrawn from them. The Kafir reason sometimes much stronger.

Moreover, I do not hesitate to say, that all the questions put forth and answers to the same, as to what the great evil be in respect to the natives, and which its remedies are—none have touched the very point yet. It is not the great extent of land, not the rapid increase of the natives' property, &c.:—these are but some effects of the real cause—and to remedy them perhaps by imposing a higher duty on Kafir articles, or as

new system of taxation, &c., &c., should, if working at all, make the effects worse than they are at present. That the Government has a right to interfere, that it should take measures to remove the obstacles in the way, &c., &c., none may doubt for a moment. But let the real cause be shown, and the Government do justice to all. I think it therefore my duty to point out that which, in my opinion, is the great evil respecting the natives of Natal, viz., their (unlawful) trade in, or barter with, their girls for cattle; or their (unlawful) way of acquiring property.

## I.

It is publicly known that the Kafirs have the custom of purchasing and paying for their wives, and several individuals have already raised their voices against that custom, and called upon government to abolish it, but without shewing the real cause: therefore no action could be expected. The thing, however, is not to be looked upon in this light only—the purchasing a wife of a Kafir being but one side of it, and less blameable—just as, in general, a purchaser of an unlawful article is less to be blamed than the dealer in such article. The Kafir custom is chiefly to be looked upon from the other side, and taking both together, our proposition would be:—The chief or principle source from which the Kafirs acquire property being their trade in, or barter with, their daughters or girls for cattle, the commodities are thus daughters, or girls, and cattle. One offers for sale girls, the other purchases with cattle. The correctness of this statement is confirmed fully, 1st, by the language of the Kafir; the term for the dealer is *uyafunisa gentombi yake*, i.e. he offers his daughter for sale: *funisa*, verb of the stem *funa* to seek, intent, aim in, desire, &c., &c.; *funisa*, causative, to try, to seek, to endeavour, or cause to seek, &c., hence *funisa gentombi*, to try, to seek (i.e. to get something) by his daughter, thus, to offer for sale, as *ukufunisa gombila*, i.e. to offer mealies for sale, *ukufunisa genkabi* to offer an ox for sale; *uku-funisa gezintambo*, &c., &c.; 2, by the commodities themselves, cattle being the representative for money—cattle having a higher value to them even than money, the last being foreign, the former native—and above all it is *the very idol they worship*.

When the registration of their cattle was resisted, it was on this ground:—“Our cattle” they said “is our money, with which we purchase our wives, and our money we will not allow to be registered.” And 3rd, by their *corpus juris*, if I may call it so, which scarcely comprises any section else but the law of property—of claiming and reclaiming property, and recovering debts. This is a source from which comes a flood of all iniquity, fraud, lies, falsehood, cheating, revenge, poisoning &c. &c., as best can be seen from the case books of the Diplomatic Agent, and the magistrate; as also that out of a hundred cases ninety-nine are of that description, girls and cattle being their promissory and bank notes, checks, loans, hire, rates, &c., &c. Of a positive law of marriage can commonly not be spoken, the same being identical with that of property; for one

who has paid or promises to pay the demanded amount or number of cattle for a female, is legally married to her; and one who has paid something or nothing yet, is prosecuted for his debts as the property of another.

Validity of marriage has exclusively reference to chiefs. If, for instance, a chief marries a wife of inferior standing, against the consent of his izinduna, who will not acknowledge her as in rank. Of divorce, in a moral sense, is nothing to be discovered, but only in reference to cattle, the property which is returned.

It is useless for those who never had an opportunity, or who never took the trouble of viewing this case in its proper light, and therefore feel inclined to advocate or tolerate it, to say "But the Kafir does not put up a shop or establishes no market where he publicly offers for sale his commodities." We shall see hereafter whether his practice differs much from that of a shop or market. It is also useless to reply "This ought not to be looked upon as a great evil but as an old custom, and not as a sale." But I ask what is to be understood by an old custom? Is it an abstract or a dead thing which does not affect the social life? or has it a most penetrating bearing such as the commerce of trade?

## II.

That trade or barter further is kept up and carried on in a systematic manner. The girls are under the controul of their mothers, who have to teach them to make gardens, to plait strings or cords, to make mats, to grind corn—in one word, to do all the work Kafir women are required to perform. The mothers have also the care of the physical state of the girls. When a certain period of life with females has appeared, the girl is to be kept in the house for 2 or 3 months, whilst the people of the vicinity are called together for celebrating the puberty of the girl. Many ceremonies are performed, of which it is too delicate a matter to speak publicly. From this time forth the girl is allowed to associate with the class of woman. Here then the mother has to watch her girl, in order to prevent her from coming in an improper connexion with young men. These duties of a Kafir woman toward her daughter many white people have looked upon too favorable as to find some degree of morality in them. This can seem so to him only who takes a partial view of the matter, without knowing or testing the real motives. But the whole care for the girl involves nothing but the object of making her an article for trade, as accomplished as it is in the power of the heathen; and is, in the balance of true morality, similar to the trouble white people take in rearing a good stock of horses and cattle, to fetch the highest possible price. The care even of watching the girl to keep her from an improper connexion is for the same object, because a Kafir girl who has committed herself in that respect cannot reckon upon a great price, no Kafir will have her. And why not? It is, perhaps, from a kind of moral feeling because she

has committed herself with another? or because he is desirous to get a pure virgin? Never! In vain do we look for such motives; and the Kafirs themselves do know that such qualities are not existing in their race, hence he can and does not expect them. But why then is such a girl of no value to him? It is from fear. He fears he should die when taking her for his wife, she having been in connection with some body who is believed to create mischief by her. (I feel it my duty to express myself a little clearer on this point, but do think that this which I now say in brackets is not fit for being published. There is a certain most heinous and criminal practice customary among these natives. A husband, in order to secure to him for once and for all his young wife, has medicine administered to her. The doctor gives her certain roots of a most poisonous nature, which principally affect the female system, producing a kind of disease called *utyovela* and *ulwavela* (a certain fluxus) which the natives fear as much as the white people the venereal disease, because it is infectious and causes hysteromany, and other dreadful diseases, in the person who should have an improper connexion with such a female. I have been told that only a few weeks ago a young Kafir died at Pietermaritzburg of the same disease, having got it from his wife—a young widow to whom he was married about six months ago, not knowing her state of health. The Kafir who has made this experiment to his wife, takes himself an antidotum in order to avoid the effects of his wife. Some similar means, it is stated, are generally applied by young men, either from motives of creating such mischief through a girl or from an intention to secure that girl for themselves.) If, therefore, a case of that kind is known, the girl is said to be *yonakelo*, i. e. deformed, corrupt. It is not that she gets no husband; nay, she is of no value, none will pay a cow for her. Here is also the key found for the mystery that we meet comparatively with few cases of adultery among these people.

With regard to witchcraft I will only state that I do not disbelieve it. But as for poisoning, I believe there is hardly one kraal where there is not found either a woman which endeavors to poison her fellow woman, in order to become the only one to her husband, or even him, in order to connect herself to another—or a husband which does not the same in order to get rid of one or more of his wives, for the reason of reclaiming the cattle paid for them, and so marry others; or to do so to his sex in order to get their cattle or their wives for his own. And this all in connexion with this trade, which if abolished and the females set free, the cause of so diabolical practice should cease.

### III.

The way or manner of the Kafir to offer their girls for sale varies according to circumstances. In general young people look out themselves for a girl agreeable to their taste. How many superstitious habits and means, in addition to those mentioned (2)—in that respect are employed

for the purpose of gaining the affection of a girl, is to numerous too specify here. In this kind of engagement, as well as in the former (2), we meet with the most disgraceful, filthy, abominous, and, I do not know how to express myself, what more abominable habits, means and ways, of practice. The girls are usually engaged when young, and as soon as that period above mentioned has taken place, sometimes several lovers (if I may use this expression) send cattle to her father commencing paying for her. In such an instance the girl is asked and requested to decide for herself which of those she chooses for her husband. This, however, is merely formal, for if she should happen to choose one who is known to possess but a few cattle, the father disapproves of her choice, and recommends to her that one of whom he calculated to get the greatest price; and as soon as a person called *umnyeni*, i. e. proposer, bridegroom, is fixed, the number of cattle also is fixed he has to pay. Those girls who receive no early proposals are usually offered by their fathers, brothers, or friends, who go from one kraal to another until they have met with somebody who accepted of their offer. But it must be understood that the custom of offering a girl takes generally place for a Kafir who has a nice girl, though knowing that more than one only shall apply for her, uses, however, secret measures to apprise a rich man in respect to his daughter, lest the rich should engage the girl of another.

There is, strictly speaking, no fixed time of majority of males and females respecting marriage, all depends upon circumstances. The female is thought fit a year after that period above mentioned—the male as early as he is able to pay the requisite number of cattle. The general rule is not to let the girl before the whole payment is disposed (a few exceptions there are: payment for widows remarried commences with a few or one head of cattle.) This done to satisfaction, the purchaser demands the girl to be brought to him. \* And now the father of the girl is obliged to provide her with a dowry, consisting of one ox, or more according to the amount paid for her, and other presents, as beads, plaited cords, &c.—this is called the *inkabi yokupumisa onenkata*, i. e. the ox which has a surplus or supplement. But this is a most sophistical and superstitious term. One should think the dower was made upon the girl as a portion of her heritage, which is by no means so, however; the father makes it upon the purchaser of his daughter, and the ox is a representative of several ideas: 1st, it shall represent the value of the girl, which her father places upon her, consequently the purchaser must not think that he paid too much for the girl; 2nd, and most particularly, it shall give assurance to the purchaser that the spirit of the father after death, (*ihloze*) shall not come to disturb the place where his daughter is married to, and that his girl shall bring

---

\* This action is called *ukuyindisa intombi*, i. e. to bring far away the girl: metaphor, to marry her away. To marry is *ukugena*, exclusively used of the bridegroom.

many children. When this ox comes to the kraal of him who purchased the girl, it gets another name there : *inkabi yokuvula isibaya* i. e. the ox for opening the cattle-fold, viz., in consequence of the purchaser's paying many cattle for the girl his fold had been emptied almost to be shut up ; but receiving now the first ox by his purchased wife, she opens the fold by this ox, and shall ultimately fill it again by bringing him many girls with whom he can trade in the same manner. After this has taken place the festivals of the marriage begin, of which it is not necessary to say more, the same having no direct bearing upon the case.

Let, then, none think the Kafir was guided by noble feelings for his daughter. He would make us believe so himself ! The real truth, however is, that all is done for gaining and re-gaining cattle, and the girl is the ready machine by which it is got. Yea, in the case she be treated badly before the whole payment was made, her father will take up the case apparently in the most sympathizing manner and affectionate expression, but for the mere purpose of pressing out one or some more head of cattle. The real truth is, he loves cattle more than his own child, whom he loves only for the sake of gaining cattle with. This I could confirm by many cases when the girl had become christianized, or only civilized, and would not allow herself to be made an article for trade. She was cursed, disowned, yea, if her father and friends had had it in their power, she should have been killed without mercy !

#### IV.

It seems now proper to mention also the particulars of the purchase money, the action of which is called the *ukulobola*. The root of this is *lobola*, derived from the stem *loba*, which denotes the action of making a cut or slit, as *loba isilonda*, i. e. to cut, slit, or wound, or *loba inhlanzi godobo*, i. e. to catch fish with a hook, literally to cut, slit the fish with a cutting instrument (hook), hence, figuratively, to scribble (not writing letters) as when one begins to make the first lines or strokes of letters ; of this *loba* is formed *lobola*, by the additional *ula* (*loba-ulu*, contract *lobola*) which means removing, taking away, or something like the force of the preposition of. Thus *lobola* to remove, take away cutting, slitting, and as cutting around, hooking a fish, make pain, it has developed the meaning to taking away, removing pains, viz., the term *uku labola intambi*, i. e. to remove or to take away pains which the mother of the girl suffered when giving birth to her : hence also the legal term *unina akalotyolwanga*, i. e. her mother (of the girl) has not been paid for her pains, or, literally, her pains have not been removed. The meaning of *lobola* would then come nearest to the English to "pay a fine," or to fine : *ukulobola genkomo*, i. e. to pay a fine of cattle : *lobolisa* to fine one, and this has certainly been the primitive idea of the case, which, however, afterwards has become so common as to be equivalent with *uku tenga*, i. e. to purchase. Ignorance alone can deny the Kafir did use *uku tenga* in the matter with their girls,

but *ukulobola* only : ;or if the Kafir will lay stress upon *ukulobola* or explain it so, he says *gitengile umyazi wami, i. e.* I have purchased or bought my wife.

How proper and how significant the term *ukulobola* ever may be we are sorry to state that the wickedness of these nations is most strikingly illustrated by the same. The Kafir perverts the meaning of this term into lots of lies and falsehoods by his practice. The poor mother—we should sympathize with her—who, it is true, from all experience, gave birth to her child in much pain, and who therefore should be properly entitled to a reward or recompence, does not get a single head of the cattle paid for her child ! All the cattle go to her husband who, having received them, is qualified to marry another wife and do more mischief. Formally the cattle is said to belong to that house of his wife from which his daughter came, and the mother may taste the milk of the cows as long as they are not otherwise disposed of. Again, the lawful heir of those cattle is said to be the brother of the girl married and paid for. But in most instances the fathers have used and finished the cattle for the purpose of marrying more wives, and become indebted to those boys of theirs, who after the death of the father usually arise and claim their cattle, try to recover those debts, and frequently with little success, because here, as can be apprehended, is the labyrinth in which thousands are lost together with thousands of their cases. The case-book of the Diplomatic Agent and Magistrates, and the unspeakable trouble they have, can prove this statement to satisfaction. There lays also open before us the fact that relationship and its happiness are rotten to the deepest root, and hardly to be traced into the second or third generation. This is a most lamentable fact. But how can it be otherwise, if the nearest bonds of flesh (the children) be made an article of trade, and paternal feelings be abolished by an unnatural desire for miserable cattle ?

## V.

It can not now surprise that the consequences of that trade are correspondent to it. In respect to native law we only mention : After a Kafir has properly paid for his wife, she becomes, and is his lawful property, just like his ox, cow, or dog, or anything he bought. It follows then, that none but himself has to dispose of it, if he likes. He may kill his wife, just as he does his dog, without being guilty, (*akanasale gokumbulala umfazi wake, i. e.*, he is not guilty if he kills his wife), since he can defend himself by : *sengimtengilenje, i. e.*, I have bought her once for all. On these grounds it is a question, whether authorities have a right to inflict punishment on a Kafir for treating ill his wife. For if authorities allow such custom, as that trade is, to exist, they indirectly sanction it, and can not administer punishment without the conviction of being in part the cause of it. And the object for which punishment is inflicted, can not be gained either in civil nor moral res-

pects. Such has happened, and may still happen without our knowing it. It is also lawful for the husband to return his wife to her father and reclaim the payment in case she is found with fault, just as one does with a horse or ox. In this respect many tricks and lies are found out in order to get rid of the wife after she has served for some purpose! From thence arise many cases of cattle being reclaimed and refused by those who accepted of it—perhaps the cattle has long been disposed of for other wives, or were killed, or had died. If the young woman happens to lose her first child, or is otherwise unfortunate in respect to bringing up children, it is also lawful for the husband to send her home to her father, who then is obliged to kill a head of cattle for her (to make a sacrifice for reconciling the existing evil cause), one half side of which she has to bring home to her husband. Or, if the husband dies, and the wife having brought him no child, it is also lawful for his children of his other wives and for relations to reclaim the cattle paid for the wife who is childless. This is the validity of marriage! And viewed from this side that trade is a constant robbery of both parties.

The consequences in respect to social life and its general duties are no better. It will be clearly perceived that such a selling and purchasing, giving and taking, claiming and reclaiming, robbing and injuring, and disputing from both sides, must occupy more than half the time of these natives. And here is another great reason why they do not go in service, because they have no time for doing so, and are ever ready to say, 'syasebenza imisebenza yetu,' *i.e.*, we have our own work to do. Thus it follows, also, that the Kafir lives only for himself, pursues his own interest, is not concerned about the common wealth. &c., &c. Therefore we meet seldom two brothers who live in peace at one kraal together, separation and division is the order of the day, they being too suspicious and afraid the one should look deeper into the affairs of the other than he ought to do. Can now happiness be there, since every one living in the vilest selfishness is about to destroy ignorantly his own and purposefully the happiness of others? Or who will venture to state that these people live peaceful and happy together? To such deplorable condition they have been brought by the sin of that trade! This is their national sin No. 1. Polygamy No. 2.

#### VI.

After having given a true statement of this trade, it can not be difficult to give a proper definition of the condition of the Kafir girl. If it be too much to say, *she is a slave!* it is also too little to say, she is in a sinful condition. "But what is a slave? A person who is wholly subject to the will of another; one who has no freedom of action, but whose whole person and services are wholly under the control of another."—*Webster*. And now I ask all, (N-B.), who know the real condition of the Kafir girls; if not every word of that explanation is perfectly applicable to that of her? (She is identic with the wife of whom the Kafir says himself: our wives



are our wagon and oxen, and horses !) The only difference between her and a slave of America or West Africa, is her not being transferred to another country by a slave trader ; this, however, does not signify much, since she has been brought up for this trade and being delivered from one into the hands of another, who keeps her for the same purpose. And who can say what these nations should have done if they had come in contact with foreign slave traders ? The circumstance of being married to another is, properly speaking, merely accidental in this trade, and may, originally, have signified more than it does now. At any rate her condition is quite equal to that of a female slave of ancient times, who became married to her master that had bought her.

That the consciences of the natives as to the sinfulness of such a trade are not entirely stunned, at least, that they fear the girl should at any time become aware of that and resist their will : this is quite evident from the fact of their being very anxious to secure their commodity by every kind of fraud and deception in a most practical manner. The attachment between parents and children is of no moral character, it is but natural, yea, corrupted and degraded almost to that of animals. For, if parents in any moral sense were attached to their girls they could not possibly make them an article of trade, or if the girls were, they could not leave their husbands so indifferently, and go back to their parents when these urge and press the purchaser to pay more cattle. Were there a moral attachment existing, the parents could not keep their girls back from improvement. But none is ignorant of the fact that the Kafirs do not give their daughters in service with white people (those girls who are now in service have neither parents nor friends, and they should have been reclaimed.) And why does the Kafir not give his girl in service ? It is because he fears to loose her. With civilized people the girl might soon become civilized also, and opposed to that trade. Really, an exported slave can attain a higher condition as to usefulness in human society. From the same reason Kafir parents prevent their girls from attending to religion. Perhaps a few allow them to do so, yet not without telling them before many wicked stories in order to make them afraid of attending to religion ; and they take much care lest the girls should take any thing of religion. Many say plainly to them :—children, you are too young resist to the power of the Word of God ; you could soon become converted, which we have nothing to do with, but we old people can go to hear, because we know our hearts are hard and strong enough to resist. It has happened that girls became influenced by the truth of religion, and desired to become christians, but they have been cruelly treated by their parents, who would not cease using their cruelty until the diplomatic agent had interfered. It has also happened that girls have been brought to missionaries for service or medical purposes, but with the strict injunctions not to allow themselves to be taught, and as soon as the parents perceived that their child was instruct-

ed they took it away. Now, let everyone say if slaves, generally called so, do not enjoy greater privileges than Kafir girls! And, is it not astounding that civilised people ever could advocate this abominable trade existing among Kafirs?

All that ever has been set forth by those advocates in favor of this sinful trade has originated partly from sentimentalism, partly from a mistaken analogy combined with a great want of local knowledge. Many, and among them a *Mr. Ukuvela* recently in the *Natal Witness*, have raised their voice against those who urge the abolition of that trade. That *Mr. Ukuvela* (i. e. original) had done better to remain silent, he should then not have exposed himself with regard to his Hebrew Exegesis, and his ridiculous argument of ukutenga. Both the holy scriptures and the Kafir language (as I have shown) are against him.

From ancient history of the Orient, it appears that the state and condition of the women was very much subordinate, much like that of a slave. This, however, was in some respects interfered with by the Israelite religion, which made of course, a distinction between them and the heathen customs. We see that that custom of purchasing a wife was practised among the people of Israel, as is evident from Genesis 34, 12; 1 Sam, 18, 25. That this, however, was no divine institution, but only suffered under the dispensation of the Old Testament, is obvious from Exodus 22, 19, 17, and Deut. 22; 29. Most certainly it was taken from the heathen nations, as Genesis 34, 12, would indicate. And Abraham, when he took Rebecca, the granddaughter of his brother Nahor, for a wife to Isaac, Gen. 24, did not purchase her, neither can the presents he sent to his kindred at Mesopotamia be considered as purchase money, but only as generous tokens of his love and esteem towards them, showing at the same time the circumstances of wealth he was enjoying. But, whether that custom of purchasing was favourably thought of or not, we may learn to conviction from the feelings of Laban's daughters, who speak very positively—Gen. 31, 14, 16. The disgraceful action of Laban in their behalf is so great to them as to disown him as their father!

If any one should be so bold as to ask—why did God suffer such custom? To him I answer, from the same reason as he suffered polygamy under the Old Testament dispensation. But under the new dispensation of the Gospel all things have become new, and those old are not in the least even recommended to us. Yea, the decision of Christ respecting divorces, Matthew 19, v. 4 6, concerns and involves polygamy as well as ancient female slavery. Moreover, that the contrast between female slavery of which the bible records, and that we have pictured as existing among the Kafirs, is as great as heaven and earth does need no pointing out. Would that all guard against gross mistakes, and confounding of Biblical analogies?

To compare the Kafir trade with the custom of some white people, who have a certain amount settled upon their daughters at marriage, shows both a great mistake of the case before us, and a curious taste. The Ka-

fir does not ask for a certain settlement upon his daughter—she is a mere article for trade!—but upon himself. Quite the reverse! In conclusion, we believe before God that that Kafir trade is most sinful in principle, and as hateful in His sight as West African slavery, and utterly irreconcilable with the holy and merciful precepts of the Gospel of His Son, Christ Jesus. Hence, it must be morally wrong to render any voluntary aid in advocating or protecting such system.

## VII.

The question now, what is to be done with that trade? suggests itself to every reasoning man. Shall it be left entirely to the influence of the Gospel and the labour of Missionaries, or ought Government to interfere?

As far as Missionary operations concerns, I am happy to state that a small beginning has been made with christianized natives. I have a case in which the father, before he embraced christianity had received payment for his daughter, but afterwards feeling from his conscience that it was not right to dispose of her in such a way, he returned the cattle and allowed his daughter to decide for herself, and she was married to another after civilized customs. In another case parents married their daughter to a young man with the mutual agreement upon the commands of God respecting filial duties. Similar cases may be found at many missionary stations. It is also proper to state that the christianized natives connected with the American Mission in this colony, have agreed among themselves to do away with that custom, being convinced by their own consciences that it is a sin to make their children an article of trade.

The little that has been done in this respect does scarcely appear to make an impression upon the great mass of natives in this country, and is soon forgotten by them, although it will soon become a rule for the Mission stations. And, if there should still remain some of white people who were desirous for more arguments respecting this case, I would call their attention to a hundred christianized natives, as mentioned, whose consciences bear witness of the great evil and sin of that trade. Many of these are poor, and should be helped much if they could avail themselves of the same, but they perceive it to be their duty to make that sacrifice rather than to oppose their consciences. And though Missionaries should try to suggest to them a modification of that trade, substituting something less offensive, the consciences of the natives continue to suffer under that conviction they once have got of the real case.

This trade having a direct influence upon the state of the whole social life of the natives, and operating indirectly disadvantageously upon other societies, it appears to be the imperative duty of Government to interfere, and to do away with it. There can hardly remain a doubt as to the legality of such a step for Government. If the question be put—May Government interfere, and should it interfere? it might be answered by putting another—What right had Government to interfere with slavery, not only in its own dominions, but also in others, as lately at the west coast of Africa? The same right it has also here, and should interfere from the same. A remark of T. Quincy—"Such sale of conscience and duty, in

open market is not reconcilable with the present state of civilised society,"—can be properly applied here. The abolition of that sinful, and thus unlawful, trade, would put a most efficient check upon the Kafir's unrestrained desire for cattle, make the females free and available for service, and every kind of improvement, civil and moral, exercising also an influence upon males, to bring them out for work, as the existence of that trade is a certain cause of keeping many at home.

As regards the practicability I have no suggestions particularly to make. I do not anticipate that the Kafir can make great objections to the same, when properly told that such things can no longer be permitted under a civilised or Christian Government. And, among other reasons, it might be well to explain to them, that Government does render them all protection of life, and of lawful property, from the last of which their girls, in that sense of trade, are excluded; that it gives them land sufficient to live upon, that they, under such kind treatment, already have acquired a good deal of property, and can acquire still more in various lawful ways, and if they should still desire to acquire some by their girls, they may send the same into service, and acquire it in this lawful way. It may, also, be well to explain to them how dreadful their condition should be, in case the white Government was obliged to withdraw from this colony, as they then should become a prey to their enemies.

I have said nothing particular of polygamy. This evil being the stem, and that trade the root. My conviction is, that it will be found impracticable, and the result a failure, if the operation, or any operation, should commence with polygamy. Let the root receive a proper cut, and the stem will die away by itself. The females being free from that bondage, the marriage will advance to its moral merits and standing. The girl will take care neither to give herself to a man of an objectionable character, nor to one who has already one wife, to which she has to occupy a second, or inferior degree—the very source of all quarrels and strife. And so on the contrary.

The abolition of that trade may be said or appear to make it more difficult to procure labor, for now, some may think, they can still get some Kafir to work for a cow he wants, in order to pay for his wife, but as soon as that obstacle is out of his way, he would less feel obliged to go to work. If such were the case it should be morally wrong to keep up that trade on that account; but happily it is not; for first, The Kafirs possess cattle enough to pay for their wives, and, in very rare cases, they work for cattle, but mostly for money, in order to pay their taxes; second, If they were in want of cattle, they would not offer so many for sale, at the time of the collection of taxes, as they know very well that they must sell their cattle at a lower price than they can get them for, either by labor or by money.

T. L. DOHNE.

*EVIDENCE OF JAMES CLEGHORN, ESQ.*

Pietermaritzburg, January, 1853.

I came to this country in the year 1844, and began, shortly after my arrival, to plant cotton, but found it inconvenient to continue doing so. I have travelled through almost all parts of the district, and have also been beyond the boundaries to the north, and north-west, and the west. Early in the year 1849, I was appointed clerk to the Diplomatic Agent. In August, 1850, I received the appointment of Magistrate of the Umvoti Native Location, and in August, 1852, I was recalled from thence to assume other duties.

The tribes on the Umvoti Location are generally small, and are, for the most part, composed from portions of other tribes, whose chiefs either live in the Zulu country, or who were, at the time that Tshaka conquered the country, killed by him, with the whole of their families; so that, in the latter case, the people of the tribe have connected themselves with a man of influence, of their own tribe, or have joined that of another.

I subjoin an account of the various tribes, and portions of tribes, the names of the chiefs, and the principal man, who may, in the absence of a hereditary chief, be the person who exercises the authority of such.

Timuni, who is the chief of his tribe in this country, is a cousin of the former Zulu King, Tshaka, and of the present King. Um-panda, belongs to the Amazulu tribe, and came to this district when Umsilikazi revolted from Dingaan. On his first arrival from the Zulu country he located himself at the Umhlali, and, on the arrival of the Rev. A. Grout at the Umvoti in 1844, he then removed to that mission station.

Timuni has 218 huts, and I calculate that the average number of persons in one hut is  $3\frac{1}{2}$ ; consequently, the people of all ages, belonging to his tribe, are 763.

Jakazana is not a hereditary chief of his tribe (Ilanga), but is the principal man of it. The former hereditary chief was, with his whole family, killed by Tshaka. Jakazana was formerly an Induna of Dingaan, and is said to have been a great warrior. He came to this district with Mawa, the aunt of Um-panda. On his arrival from the Zulu country, he went to live at the Umgeni, where he resided for some time, and afterwards removed to the Umvoti, where he has been for about six years, and has 493 people.

Manfonganyana is acknowledged by a portion of the Qwabe tribe to be the hereditary chief, but this is disputed by the adherents of Musi, who is his cousin; the latter, who has by far the largest portion of the tribe, resides on the Inanda Location, near the Tont gat, but a very large proportion of his people are living on the Umvoti Location, and the farms in that neighbourhood, amounting to 2,436 persons.

Manponganyana has lived at the Umvoti about six years, and has 819 people.

Sotondoze is the hereditary chief of the Nxumala tribe, and came to this district shortly after Mawa. He lived for some time at the Umhloti, and removed from thence to the Umvoti about two years ago. He has 217 people.

Umgian is the nearest heir in this district to the chieftainship of the Dube tribe, the real heir being still in the Zulu country. The people of the tribe have unanimously resolved that Umgian shall exercise all the functions of a chief until the arrival of the undisputed person, previous to the appointment of Umgian (who is a very young man) to the chieftainship for the time being. This tribe, since the death of Nokolenga, has been under the management of two councillors—viz., Noziwawa and Umhambi. Has 819 people.

Umtenda is not a hereditary chief, but was, when Mr. Andries Pretorius ruled in this country, made by him an Induna or Captain, which gave him great influence with the natives, and which, from his being a man of substance, he has been able to retain. He belongs to the Makanga tribe, and his followers, for the most part, belong to dispersed tribes. Has 570 people.

Tshekambuya is also a man who has no claim to the title of chief, but his possessing cattle has given him influence, which it always does among the natives. He belongs to Siyengela's tribe, and has 388 people.

N'Goze is the son of a former chief of the Amatetwa tribe, and is the principal person of that tribe in this country. He came to this district about four years ago, but being a man who has neither energy nor property, he is therefore but lightly esteemed, and has, in consequence, but few adherents. In all cases of difficulty he looks up to Timuni (who is a very superior man, for advice and assistance. Has only 32 people.

Qumbi is a man belonging to the Qadi tribe, of which Mahlukana, living on the Inanda Location is chief. He (Qumbi) has lived at the Mapumubu about thirteen years. Was taken there by Mr. Hans Delange to live on his farm (which, as I believe, now forms part of the Umvoti Location). He exercises all the functions of a chief over his adherents, these amount to 875 persons.

Umkonto, although he exercises the authority of a chief, has no right to that title. He, as well as Qumbi, was brought by Mr. Hans Delange to the place where he now resides (Mapumulu). He absconded from this country in April, 1851, and joined Umpanda, who had promised to make him one of his principal men. But he again fled from Umpanda, and returned to this district in September of the same year. Both of these circumstances were reported by me to the Government when they occurred. Umkonto belongs to the Amazulu tribe, and has 672 people.

Gudu is not a hereditary chief, but, like Umkonto, Qumbi, and others, he exercises the authority of such over his adherents. He

belongs to the Macunyu tribe, of which Pakade is chief, but has been separated from it many years. He was appointed by Tshaka to reside at the Tukela to ford the people across when that river might be flooded. This occupation (a river doctor) he followed for many years, and only recently left it off, in consequence of his having been bitten by an alligator. Has 108 people.

Dubulana, of the Inguswu tribe, who lives on the Inanda Location, has some people living on the Umvoti. These are principally attached to a man named Isicongwana, of the same tribe, who, however, never lived with Dubulana, but lived, when a young man, with the father of the latter (Mapolobe.) Has 206 people.

The tribe of the Mapumulu, from which the place where the American and Norwegian Missionaries have stations, derives its name, is very small. The few residing in that neighbourhood are, for the most part, attached to Umkonto, and number 42 people.

Faku, the chief of the N'Colosi tribe, who lives near the Umgeni, on the Inanda Location, has a few people living at the Umvoti. These are under a man named Jali, and number 70 persons.

Bulungeni is not a hereditary chief. He belongs to the Matembo tribe, of which Nodada, who is his near relative, is chief. He lives on the high lands near the Ihlimbiti, and came from a place called Inati, on the Impafana Location about three years ago. Has 364 people.

There is a portion of the Amatetwa tribe (of which N'Goze is chief), living near the Mapamulu, under Mankyan, who was, at one time, the principal Induna of Umpanda; but who, about three years ago, fell under the displeasure of that chief, and barely escaped with his life to this District. He has 91 people.

N'Goza is not a hereditary chief, but has under him a number of other petty chiefs, who, from his influence in this District, have attached themselves to him. The number of these people on the Umvoti Location, acknowledging N'Goza as their chief, amounts to 1,683.

Magedama, who lives on the Impafana Location, and is the hereditary chief of his tribe (Amakabele), has a few people living at the Umvoti, under the superintendence of his uncle, a man named Fabaz; numbering 150 persons.

Xabashe, who lives at the Umlazi, has also a few people living on the Umvoti Location, under a man named Matambo of the same tribe, numbering 63 persons.

On the mission station of the Rev. A. Grout, at the Umvoti (independent of the kralas in its immediate vicinity, the population in which I have classed with their own chiefs) there are 133 persons.

The native population on the Umvoti Location, and within its jurisdiction, that is, in its breadth, between the rivers Tongat and Zukela, and in length, from the sea to the farm of Mr. Van Staaden, I calculate to be, in round numbers, 10,994.

A very large proportion of the above number of people are living on farms (chiefly unoccupied), adjoining the Location, and I am of opinion that when these farms again become occupied, the natives will, as a matter of course, be moved to the Location, so that, allowing the Umvoti Location to contain 191,000 acres, and the population, to the best of my belief, being 10,994, as above stated, I think it will not be too large for that amount of population, should they be compelled to live within its boundaries.

I would not recommend that the natives should be removed from the present Locations, until the Government had a sufficient force of military at its disposal, to enforce such a measure, if it were found that compulsory measures might be necessary.

With regard to the question of labor. While I admit that, for many of the farmers living at a distance from towns, it is difficult to be obtained, yet I think it is as easily obtained in general as it was upwards of eight years ago, and it will be borne in mind that the great influx of Europeans within that time, each of whom, I calculate employs, on an average, two natives, that this of itself, makes labor more difficult to be obtained. I have heard but few persons complaining of such difficulty in the part of the country where I have resided for the last two years. The Europeans were, as far as it came to my knowledge, usually well supplied. This is not, however, I believe, generally the case in the upper parts of the District.

The natives, whose wants are exceedingly limited, compared with Europeans, are satisfied with obtaining by their labour, or traffic, the means of procuring a wife, although it does not always follow that they are dependent on their own labour for raising those means, as there are but few in proportion of the young men who do not obtain the means of obtaining one from their fathers, or by inheritance, or by having a sister, whom they, at the age of puberty, barter for cattle, which gives them the means of procuring one for themselves. So that the great proportion of the natives who go to service from their kraals, do not, as is generally supposed, leave their homes for the purpose of obtaining the means of purchasing cattle, but chiefly for the purpose of procuring money to pay the hut tax.

The means of obtaining native labour, therefore, as it appears to me, can only be by creating in their minds artificial wants, and I would suggest that the Government should issue orders that every native entering any of the towns in the district should be decently clad, either with a blanket or other decent clothing. This would, at least, be one step towards their being shown the indecency, in the eyes of Europeans, of their going naked, and it might ultimately lead them to adopt other civilized habits.

The Hon. the Recorder, in his evidence on the 3rd of November, 1852, has, I think, settled the point of enforcing labour, where he states—"I am clearly of opinion that any law that enforced labor, that



even if accompanied by a guarantee of payment and good treatment, is unjust in principle." I am, however, of opinion that many of the chiefs would be induced to send their young men out to service, if persons in whom they had confidence, and for whom they entertained respect, would, if consistent with their other duties, use their influence for that purpose.

I have heard it suggested, and I think the plan appears feasible, that were applications made in the proper quarter, in the Sovereignty, that a great number of the Abasutus might be procured as labourers. I do not, however, recommend the introduction of large numbers from thence, yet it is, I believe, generally acknowledged that the natives of those tribes are much better servants than the natives of this district.

I beg here to remark, that on the sugar estate of Mr. Morewood, I have myself seen the natives come in considerable numbers requesting employment from him; and he has informed me that he can, at any time, procure a superabundance of labour. This, I understand, arises not only from the kind and just treatment of Mr. Morewood towards his natives, but also that they (the natives) would, I am of opinion, be readily obtained for the working of a sugar plantation.

J. CLEGHORN.

---

#### *EVIDENCE OF CHRISTOFFEL LOTTER.*

I, Christoffel Lotter, came to this country in 1837, and witnessed the great slaughter by the Zulus, on the emigrant farmers. I was always, up to this time, an inhabitant of this country, first at the Umlass, then in the town of Pietermaritzburg, then at Lower Umgeni, and now, since the last five years, at the Mooi River. I am, also, acquainted with all the circumstances of the Kafirs, and have served as Field Cornet since 1845.

1st.—I am of opinion that all the Kafirs should be removed from amongst us, and the farther the better, but not beyond the boundaries of the English territories; that they shall pay the necessary taxes, and go into service, so that the farmers can get more laborers. I would, for the reasons that the Kafir people are always unfaithful, remove them as far as possible, we can then better get the information when they wish to make war upon us, but if they are so near us, we can be surprised in one night.

2nd.—I am also of opinion that the Kafirs must live on open ground, and not in fastnesses and deep ravines, where they can shelter themselves and their cattle, as they now do.

3rd.—That the Kafirs who are willing to settle themselves on the farms of the white inhabitants, should be allowed to do so to such an extent as will supply the proprietor with as many laborers as he may require, but when it can be proved that such a proprietor of land keeps on his farm more Kafirs than he requires, so as to

endanger the safety of the District, the inhabitants should be at liberty to petition the proper authorities to remove such surplus Kafirs. And, for the encouragement to Kafirs to reside on private farms, I would recommend that such Kafirs should be exempt from taxes. This plan would give more labor, the country would become more prosperous, and exports would be considerably increased.

4th.—From what I have seen myself, and heard of my fellow travellers, who travelled through the country for the purpose of picking good farms for themselves. I am of opinion that there were, at that time, from ten to twelve thousand Kafirs in the District. I am, therefore, of opinion, that the whole of the Kafirs proved to be original natives, should be placed all over the District in small Locations, and on easy accessible situations, so as to suit the purpose of themselves, and the white inhabitants. And, also, that the persons appointed to select and define the Locations, should be men well acquainted with the Kafirs, and the circumstances of the country.

5th.—It gives us great insecurity when Kafirs live on Government land without control, particularly on unoccupied farms of white men who live in the old colony, or in other countries.

6th.—I think that chieftainships should be gradually abolished. For instance—all the present ruling chiefs could remain, but no fresh appointments should be made, for it would be dangerous to abolish the chiefs at once, since the Kafirs are so attached to their chiefs.

7th.—I am of opinion that the apprenticing of young Kafirs of both sexes, till they are of age, will be of great use, both to their civilisation, and to their own interest, because they can expect better wages while they understand to work better—they will, also, add to the prosperity of the community.

8th.—I am, also, of opinion, that a separate law should be made for the Kafir—distinct from the white man, and very severe, as I know, from experience in the old colony, that mild laws are unsuited for them, and to the prejudice of both.

C. P. F. LOTTER, Field Cornet.

Mooi River, January 28th, 1853.

---

My brother, Jacob Lotter, of Magalies Berg, over the Vaal River was lately with me. I have myself seen many of my countrymen, in the old colony last year, who are all particularly desirous of living in this beautiful and excellent country, but as they were informed that we live intermixed with the Kafirs, and as they are all perfectly acquainted with their characters, they are afraid of being surprised, and cruelly butchered, by those barbarians, as has often been the case in the old colony; this is, also, one of the main causes for which the farmers left this colony.

C. P. F. LOTTER, Field Cornet.

# EXAMINATION OF THEOPHILUS SHEPSTONE,

ONE OF THE MEMBERS OF THE COMMISSION, RESUMED.

*By Mr. Moreland.*

263.—Are you aware whether Natal became a dependency of the Zulu kingdom by conquest under Chaka; that the aboriginal inhabitants were either exterminated or driven out of the country by him; that on his death it was inherited by Dingaan, his successor; by him assigned by treaty to the Dutch Boers, and subsequently added to the possessions of Great Britain by treaty with them? If so, would not this do away with any aboriginal claims of the natives themselves, if such really existed?

The district of Natal was constantly overrun by Chaka's armies, and most of the aboriginal tribes were either dispersed or destroyed. The nuclei of others, however, still remained in the mountains and forests of their country, and never were subject to the Zulu rule. This district (with the exception of that part of its north-eastern section, which was actually occupied by the Zulus) was never, as far as I am aware of, ruled as a dependency of the Zulu kingdom. In all his attacks upon these people, the Zulu King was successful, as regards any resistance from them, but he never so far conquered the country as to rule it. I do not think, therefore, that any cession made by him could affect the rights of aboriginal tribes, which retained the occupation of their country in spite of his endeavours either to exterminate or incorporate them.

264.—Did the English, on taking possession of this country, guarantee the undisturbed possession of the lands occupied by the Kafirs and white inhabitants by proclamation? If so, were the Kafirs made acquainted with the nature of such proclamation? When, and by whom?

Yes: by proclamation, dated 11th May, 1843, issued by the Governor of the Cape Colony; and by instructions, dated the 18th of May, 1843, issued to Her Majesty's Commissioner, Mr. Cloete, I presume the natives did become aware of the tenor of these documents; but I cannot say certainly, as they were issued three years before I came to the district.

265.—In the year 1846, Dr. Stanger, yourself, and Dr. Adams, were appointed Commissioners for the location of the natives. What was the nature of the instructions given to you by the Local Government?

I refer to the instructions themselves in the *Blue Book* for 1848, p. 57 to 59.

No. 1.

Instructions to William Stanger, Esq., Surveyor General; Theophilus Shepstone, Esq., Government Agent to Native Tribes; and the Reverend Dr. Adams, for their guidance in the location of the Natives now residing within the District

of Natal, upon lands remaining at the disposal of the Crown.

1. The object of your appointment being the location of the natives now within this district, in such a manner as will best prevent any collision between their interests and those of the emigrant farmers, it is necessary to furnish you with all the information in the possession of the Government bearing upon the subject.
2. It may be generally stated, as the result of the inquiries made to the Government within the last three months, that all the natives now within this district, with the exception perhaps of an inconsiderable number of Zoolahs, properly so called, consist of the remnants of tribes which formerly inhabited not merely the present district of Natal, but a great extent of country, both to the east and west, which had been at various periods within the last twenty-five or thirty years depopulated by the Zoolahs.
3. A large portion of these tribes seem to have fled to the westward and to be now known as Fingoes on the eastern frontier of the Cape colony. The residue who escaped extermination were either forcibly incorporated with the Zoolahs, or concealed themselves until, upon the appearance of Europeans in the district, they resorted to the latter for subsistence and protection; but the great majority appear to have been subjugated by the Zoolahs, and to have fled from them within the last five or six years, since their power was shaken by the result of hostilities with the emigrant Boers.
4. These people, perhaps, to the number of from 80,000 to 100,000, are scattered over a territory which, more particularly since the recent discovery of the Surveyor General that its north-east boundary lies nearly two degrees to the north and to the west of the position assigned to it on the maps, seems to afford an abundant space of most fertile country for them, as well as for a dense European population.
5. In this territory 371 farms, in *defined* positions, of which not more than about 100 are now occupied by the claimants, have been registered for the emigrant farmers or others, without any express reference to the claims of natives; and the natives, whose rights in this respect were *undefined*, have been suffered to occupy many of these farms.
6. With regard to the general policy to be observed towards the occupants of this district, upon its becoming British territory, it appears by the minute of his Excellency the Governor, of the 4th May, 1843, that the "first duty" of the Commissioner then appointed, was "to inquire into and report upon the numbers of farmers and others holding land in the district of Natal, and of the extent of it," with a view to their receiving grants from the Crown.
7. By the 11th section of the Proclamation of the 12th of the same month, it was declared, with the same view to grants, "that the farmers, and all others, holding land, will be called upon to make accurate returns," showing the quantity of land which they, or those from whom they derive their claims, shall have *bona fide* occupied for a period of twelve months.
8. The preamble of the same Proclamation declares that the object of Her Majesty's Government was "the peace, protection, and salutary control of all classes of men settled at and surrounding that important portion of South Africa," and both in the Minute and the Proclamation it is laid down as an absolutely essential and absolutely indispensable condition, "that there shall not be in the eye o

the law any distinction or disqualification whatever founded on mere distinction of color, origin, language, or creed; but that the protection of the law, in letter and in substance, shall be extended impartially to all alike."

9. It further appears, by an instruction to the late Commissioner, dated 18th May, 1843, that he was then directed, "In reporting upon the claims of applicants within that territory, you must carefully ascertain that the land so claimed is not also claimed, or held, or occupied, by any native chief, or native people; and when such a claim shall be made, you will take care specially to report all the grounds advanced by conflicting claimants, whether European or otherwise, in order that Her Majesty's Government may decide between them;" and on the 11th October, 1843, he was directed "to make it known to the emigrant farmers and native tribes, that you were directed in May last to cause the claims of the natives to lands which they either held or occupied to be scrupulously respected."
10. The Commissioner was at the same time instructed "to make it known that Her Majesty's Government and the Colonial Government will spare no pains to secure protection and justice to the native tribes around Natal; and that they are not to be restricted in locating themselves to any particular spot or district, nor are they to be excluded from occupying any land whatever which remains at the disposal of the Crown. The Government will neither disturb them nor allow them to be disturbed in their occupations or selections. You will be good enough to announce that you never had any authority for even enquiring into their wishes or pretensions in those respects, and that it is not in any way within your province or duty to make any temporary or permanent arrangement, either with the emigrants or with the natives, for the settlement of the latter people. It is not probable that the natives will apply to the Government for grants of the lands they now hold, or may hereafter occupy. The advantage in such titles will not occur to their ignorant minds; but if they should, or if the Government should consider that the issue of them will afford greater enjoyment and protection to the native in his possessions, they will undoubtedly receive them precisely as would the farmers, or any other persons."
11. The instructions furnished to the Surveyor General, dated the 17th February, 1845, relative to the measurement of the lands to which the claims of the emigrant farmers were admitted and registered by the Commissioner, have been framed in accordance with the directions of the Right Honorable the Secretary of State for the Colonies, issued after consideration of the information obtained and transmitted by the Commissioner.
12. Although the attention of the Commissioner appears to have been directed "to the claims of the natives to lands they either held or occupied (in May, 1843), it does not appear that it was intended that those claims should be made the subject of registration with a view to the issue of titles; and consequently no registration appears to have been made by the Commissioner either of the claims which the natives had acquired by occupation previous to May, 1843, or those arising from selection subsequently to that date.
13. The instructions of the Surveyor-General, therefore, refer to the measurement of lands registered by the Commissioner as being in the occupation of Europeans, but make no reference to native claims upon the same lands, on the assumption, doubtless, that no such claims had still to be considered. This officer has, however, been recently instructed to ascertain that no claims derived from priority of

occupation are advanced by natives residing on the lands registered for Europeans, before preparing the titles to such lands.

14. From the Commissioner's report upon the subject of the natives, dated 10th November, 1843, a copy of which is annexed for your information, you will observe that, referring to the instruction above cited of the 11th October, he observes that, "as the natives would not think of preferring any specific claims to lands, but content themselves with the occupations they held, my duty appeared to be clear, namely, not to allow them to be disturbed in the occupations of any lands until Her Majesty had been pleased finally to decide upon the titles of any specific claimants, and this duty became the more evident from the impossibility of defining what part of the country constituted Crown lands or not." Mr. Cloete further states that persons claiming lands frequently complain of Kafirs being unlawfully upon their lands, and that, upon the general abandonment of farms in July, 1842, "the Zoolahs, as they met with no opposition anywhere, have settled themselves down upon every desirable plot of ground where cultivation was easy."
15. As neither the number of claims that would be finally recognised, nor the extent of the several grants, could be ascertained until the Commissioner's Reports on the subject had received the final decision of the Secretary of State, it seems to have been impossible to determine and point out to [the natives, in November, 1843, what lands remained "at the disposal of the Crown," or to impose, in favor of the white expectants, any general and effectual restriction upon the indiscriminate "squatting" of the natives, as described by Mr. Cloete.
16. Under these circumstances the Commissioner's suggestions for the settlement of the natives appear to have been framed.
17. The annexed extract from a Despatch of the Secretary of State, dated 13th July, 1844 (No. 93), will put you in possession of the sentiments of Government upon the plan recommended by Mr. Cloete.
18. As the ultimate decision of this important matter is thus left to His Honor the Lieutenant Governor, I shall now proceed to explain for your guidance the system upon which it is the desire of His Honor you should now proceed.
19. The principles upon which these instructions are founded having been already laid down from the Minute and Proclamation of May, 1843, you will thus be enabled to keep the intended spirit of your instructions constantly in view, and to propose such modifications at these details as may seem to you consonant with the spirit, and in the same time practicable and expedient with reference to local and other circumstances which may present themselves in the course of your operations.
20. Many of the farms still occupied, as well as the majority of those now unoccupied by the registered claimants, are either inhabited by Kafirs, so densely or surrounded by them as to be considered *unsafe*, and such would also have been the case had all the registered farms continued in the occupation of the claimants, as they are generally scattered over an extensive territory with wide intervals between them.
21. The public faith is, however, pledged to protect these claimants in the occupation of these particular lands. The public faith has also been pledged to the natives not to disturb them in the selection and occupation of any lands remaining at the disposal of the Crown.
22. It is the chief object of your appointment to see that the public faith is kept with both parties, and, where any difficulties may present themselves from the isolated positions of the selections which have

been made either by Europeans or Kafirs, to propose to the Government, by way of compromise, such an exchange as shall be satisfactory, especially to the party removing; and as long as such exchanges tend to the condensation of both parties, and to the obtaining distinct, and if possible, natural lines of demarcation between them, so as to prevent trespass or other collision, his Honour will be prepared to facilitate your operations by recommending increased extents to both.

3. His Honour is of opinion that the total removal of the Kafirs to the east and west, as proposed by the late Volksraad, is neither desirable nor practicable, but is disposed to concur with Mr. Cloete in the general expediency of separate locations, in the best disposable situations, provided they are well defined, and not too distant from the present abode of the natives who may be induced to occupy them, and that they afford sufficient space for such a number of natives, from 5,000 to 10,000, as may be hereafter conveniently superintended by one magistrate, and placed under the pastoral care of one or two missionaries.
24. From the uncertainty which has hitherto existed as to the situation and extent of lands remaining disposable, the natives appear generally to understand that their present occupations are on sufferance, and that the lands on which they may permanently reside have still to be pointed out to them. Almost all the chiefs of tribes within the district have waited upon the Lieutenant Governor, and have unanimously expressed their desire to proceed to any lands that may be assigned them, and their thankfulness for permission to reside under the protection of the British Government. The patience with which the natives, as well as the remaining white inhabitants, have awaited these measures, is also a favourable circumstance, of which you cannot fail to avail yourselves; and you will studiously avoid any thing likely to create jealousy between the parties for whose mutual advantage these measures are intended.
25. No limitation can, as proposed by the Volksraad, be legally imposed upon the right of landed proprietors to employ or admit such a number of servants or tenants as to them may seem good. It is, on the contrary, desirable to encourage any kind of amicable arrangement between the different classes of the inhabitants, which they may deem mutually advantageous. As the crops of the natives are now nearly gathered in, and as their planting season will not commence before August or September, there will be probably sufficient time for the completion of your commission during the present winter; and such natives as do not remove from the lands about to be measured, to one or other of the settlements you may point out to them, must be distinctly told that, unless they secure the consent of the proprietor, they will be prevented from cultivating, and their cattle will be impounded; that their own rights will be protected by law, but that the law will compel them to respect the property of others.
26. The annexed letters of Dr. Adams and the Rev. Mr. Grout, the Commissioner's Report on the subject of native claims to land registered for Mr. T. C. Vermaak, and his suggestions for a native settlement at Slambeti, and other extracts, will afford you some useful suggestions.
27. You will observe that it is stated by Mr. Cloete that a small portion of the natives, whom he regarded as aborigines of the country, placed themselves under the protection of Englishmen settled near Natal, of whom six are named by him, and that "they still acknowledge their state of vassalage to such of those Europeans as are

still resident here, and they are settled down upon lands claimed or occupied by them."

From the fact that the Commissioner has registered sundry land claims in favour of Messrs. Ogle, King, Toohey, and Dunn, the only remaining residents of the Europeans he has named, and some of which lands are understood to be densely settled by natives, it will be your duty to ascertain and report whether the lands thus registered for Europeans interfere with the claims which, in another part of the same report, the natives are stated to possess in virtue of prior occupation. You will also observe that one chief is stated to have resided near this place.

28. You will be pleased to report, as soon as practicable, from time to time, the boundaries of the tracts of land which you would propose to reserve for the natives, taking especial care that these tracts are suitable to their wants, and, as far as possible, to their wishes.

29. From your more extensive means of information you will be enabled to ascertain whether the distinction proposed by Mr. Cloets can be advantageously observed, and whether these supposed aborigines differ from the other natives in the district in any other respect than that they escaped sooner from the Zoolah power; and if you should find any such, not inseparably mixed with the rest, his Honour would be disposed to confirm them in the possession of the lands they have occupied, without reference to any general system for the location of those whose possession has not been uninterrupted, or of others who have recently entered the district for the first time.

(Signed)

D. MOODIE,

Secretary to Government.

Coolnial Office, Pietermaritzburg,

March 31, 1846.

266.—Was any part, or the whole, of these instructions made known to the natives?

As far as I know the natives were only made aware of the fact that this Commission had been appointed to apportion lands for their use.

267.—Then you consider that these people, being aborigines or not, is of little importance;—that their claims arise out of the repeated pledges made to them by the Government, and that these claims have never been alienated or forfeited by them?

Just so. I am of opinion that, irrespective of any aboriginal claims, those accorded to them by the public pledges of the Government, are very strong, and have not become forfeited by any act of theirs; so that the superadding of aboriginal claims is strengthening that which appears to be sufficiently strong.

268.—Do you think that the Government would be justified in removing any of these people—in taking possession of the lands at present occupied by them, and devoting them to other purposes, by merely giving lands in exchange elsewhere?

No. I think its own pledges forbid this as a question of justice.

269.—Was the sale and appropriation of the lands occupied by Umnini, near Port Natal, in your opinion a breach of faith towards that chief and his tribe? Yes.

270.—Was not an exchange made with him for lands on the Umlass to his entire satisfaction?



He has been allowed to take possession of lands which he selected on the northern bank of the Umcomanzi, not Umlazi; and I believe it is the intention of the Government to secure these lands to him. The arrangement has, however, not yet been completed.

271.—What is the date on which the boundaries of any and all the Locations were made known to the natives?

About the dates of their promulgation in the *Government Gazette* in 1847.

272.—Was any other proposed limit to the extent and number of Locations ever submitted to the Home Government except that suggested by the Land Commission?

I believe reports of the several Locations were transmitted to the Home Government as they were *Gazetted* here; but I am not sufficiently informed on this point to give a decided answer. I find in the *Blue Book* for 1848 a report of three, dated May 7th, 1847.

273.—Was the proposal of five Locations, not exceeding in extent 50,000 acres each (including in all not more than 250,000 acres) approved by the Home Government; if so, at what period did notice of such an approval arrive in the colony?

This proposal was made after the Locations, as they now stand, had been formed, and after they had all been abolished by Sir Harry Smith's proclamation of the 10th February, 1848. I am not, however, aware that this recommendation was specifically approved of by the Home Government.

274.—Was the extent of the Locations, as at present existing, and which, according to the data supplied by Mr. Cloete, appears to include nearly 2,000,000 acres, ever submitted to the Secretary of State for the Colonies for his sanction or otherwise?

I refer to my answer last but one. I do not think they were represented as containing 2,000,000 of acres; neither do I gather from Mr. Cloete's data that he estimates them at 2,000,000 acres. After estimating six Locations at 125,480 acres, he proceeds—*"This, however, is again to be understood as not comprising the new, or Drakensberg Location, under Zikali, nor the immense mass of native population well known to be congregated between the Umkomanzi and Umzimculu, who came from Dushane's tribe, which, although that is not declared a Location, yet, if they are to be settled down, I am confident that I am not wrong in stating 2,000,000 acres, at least, of this District, to be taken up by the native's Locations."*

275.—Such a calculation, however, does not appear to be far from the truth. According to the data supplied by Mr. Cloete (and which you admitted to be the only data you had to go upon), six Locations embraced an extent of 1,289,440 acres, and not, as you state, 125,480. This did not comprehend the extensive Location under the Drakensberg, supposed to contain not less than half a million acres, nor the lands occupied by Umnini and others, leaving out of the question entirely the immense tract of country occupied

by the Kafirs beyond the Umkomanzi. I would refer you to that part of Mr. Cloete's evidence on this point elicited by yourself, and to your own answers to queries 26 to 32 inclusive?

I think I have shown by the extract from Mr. Cloete's evidence, that his aggregate estimate did embrace both the Drakensberg Location and the country beyond the Umkomanzi river.

276.—By whose authority, and on whose responsibility, does the establishing of these extensive Locations exist?

By the authority which issued the instructions given at length at question No. 265, and others therein quoted.

277,—Do you consider the evils of which we complain to have arisen from the too large extent of such Locations?

No. I am of opinion that had the Locations been much smaller, and consequently more scattered over the country, and left, as the large ones have been, without any direct or immediate control, the evils now complained of would have been far greater. I found this opinion upon experience. It may not, perhaps, be generally known that one very important means of controlling the native population of this country consists in the obligation of mutual suretyship, which is laid upon every member of their communities. A chief cares little for the arrest of a criminal, and seldom attempts it except to punish with death. He applies immediately and directly to his sureties—namely, his family, friends, and neighbours—and thus brings down upon the culprit's head the resentment of all those whose good feeling he cares most for. Having explained thus much, I shall be better understood when I say, that I have always met with the most refractory conduct where the compass of mutual responsibility has been the most limited—viz., among the smallest and most scattered of the native communities. I consider the evils complained of to have arisen from a want of efficient direct control by which the natives might have been prepared for their continually changing circumstances, and a current guided which could not be stemmed.

278.—Were you a party to the recommendation, or establishing, of the Locations, and to the consequent absorption of so many registered farms? Yes.

279.—How do you propose to satisfy the respective claims of the white inhabitants and Kafirs to farms included within the Locations?

It was proposed that equitable exchanges should be made in lands elsewhere.

280.—How far has this proposition been successful? Have not claims for such lands been decided in the District Court against the Government, and are not other actions pending?

It has been successful in several cases, though not in all. Some have been decided before the District Court, others are still unsettled.

281.—In your evidence you state that the Locations were assigned to the Kafirs, and that it would be unjust in Government to deprive

them of these lands. In your letter of the 9th December, 1851, you state (in referring to these Locations)—“And that it should have a permanency imparted to it which, it is now found, neither the Locations, nor special appropriations to particular chiefs, were ever invested with.” How do you reconcile these two statements, or have fresh rights been conferred on the Kafirs to these lands subsequent to the date of that letter?

I made this statement on the facts of the matter, and the inference which naturally flows from them. The extract from my letter is founded upon the discovery that although I believe it was the intention of the then Government to render these appropriations of land permanent, that object was not secured, and that, in fact, they are but of a mere temporary character. The Government pledged itself, but it appears not to have taken the necessary legal measures to carry out this pledge. I believe the natives see this, and that, for this reason, among others, they would be glad to remove to lands of whose permanent possession they could be assured. I suggested that the same oversight should not be allowed to prejudice their interests and our good faith a second time. I see no discrepancy in the statements you have alluded to.

282.—Are you opposed to reducing the Locations, and establishing additional ones on a smaller scale, and ought it not to be an indispensable requisite in every Location, an open level country, not a densely wooded and broken one?

I am decidedly opposed to reducing the Locations, with the present native population in the District, but if a permanent and sufficient provision in land were made for them elsewhere, much smaller Locations would suffice for those who remained behind. I think, as far as possible, these should be in open country.

283.—As some of the most rugged and broken lands in the District have been included in the Locations—thus rendering them strongholds or fastnesses to the Kafirs in case of an outbreak: may I ask if this were done intentionally by the Commission, and if so, what were their reasons?

The Commission was instructed to locate the natives “in such a manner as will best prevent a collision between their interests and those of the emigrant farmers.” It found itself beset with difficulties on all hands. Almost every inhabitable square mile in the district had a claimant in a white colonist, and the natives had generally, from this cause, fixed their abode in those parts of the country which, from their broken character, they considered would be less liable to interferences from farms. The Commissioners, from force of circumstances, adopted these localities as Locations; and had they acted otherwise, ten farms would have been absorbed where now only one was required.

284.—Since these lands are very healthy for grazing and cattle-breeding, though not considered so valuable for general agricultural purposes, would it not, in your opinion, have been sound policy to

have reserved them for the white inhabitants only, and to make up for their less value by granting farms of larger extent, on the same principle as adopted in the Klip River division?

It is a mistake to suppose that these lands are universally, or even generally, healthy for grazing and stock-breeding. The whole of the Inanda Location, with inconsiderable exceptions, is not so. Horse-breeding, especially, could not be carried on in any of them, Zwaartkop and Drakensberg excluded; and I do not think any consideration would induce white people to inhabit any considerable portion of them.

285.—Is the country occupied by the Kafirs of average fertility?

The greater proportion of lands *occupied* by them are, I should judge, of average fertility; there are, however, parts where, from situation and sterility, frequent failures of crops occur. When I speak of lands *occupied* by them, I must not be understood as including the area of the Locations generally, much of which is incapable of cultivation in any way whatever.

286.—What, in your opinion, is the largest number of Kafirs that ought to be allowed to remain in each Location with safety to the white population?

I do not think it matters much how large a portion of the native in the district are in one Location. I believe that, if the jurisdiction of each Magistrate included only about 3,000 people, the size of the Locations is no very material point as regards the safety of the white inhabitants.

287.—According to this estimate you would have upwards of thirty Magistrates appointed, which would, reckoning the establishment of each at £400, as at present, amount to an expenditure, under this head, of £12,000 annually?

I would have as many Magistrates appointed as would be necessary for the efficient control of the inhabitants.

288.—In a dispatch from the Secretary for the Colonies of Nov. 20th, 1849, sec. 23, the propriety and necessity of restricting the size of the Locations, so as to direct the industry of the Kafirs, into an agricultural rather than to a wandering pastoral direction, and to induce them to look for employment from the white people is enforced; wherein do you consider this contrary to sound policy, remarking as you do “that the facility with which they can raise the means of supporting themselves is among the causes” of the difficulty which the colonists experience in obtaining labor?

I do not think that restricting the size of the Locations would have had the expected result. It would, I believe, have tended to drive them out of the District, and to create great irritation in their minds against the government, and although I believe that the facility with which they can raise the means of subsistence is among the causes of the difficulty of obtaining labor, I cannot see the justice of restricting that facility under the circumstances. These Locations were appropriated to their use by the Government, the

only conditions it imposed were at first obedience, and subsequently the payment of a tax, with one circumstantial exception (which was passed over unnoticed) they have complied with both these conditions.

289.—In section 11th of your letter of 9th December, 1851, you speak of vesting in trustees the land appropriated to natives in accordance with a plan suggested by the Location Commission. What is that recommendation to which you allude?

This will be found in the letter of the Commissioners, dated March 30th, 1846, published in a former part of my evidence, *i. e.*, question 39.

290.—Do you think that on payment in advance of a stipulated sum of money, or an equivalent in cattle, the Kafirs might be induced to apprentice their children for a number of years to the white inhabitants, under judicious regulations, these contracts being made before a magistrate, and enforced as against either party, and would not this, in your opinion, be a powerful means of civilizing the rising generation?

Yes, where the parties have confidence in each other, and I believe the effect on the rising generation would be salutary; but this measure could scarcely be advocated by those who condemn the payment of cattle for wives.

291.—Have you any other plan than what has been already suggested, by which constant available labor may be obtained?

It does not appear to me that the evil complained of, is so much the difficulty of procuring labor, as that of retaining it for the period agreed upon; I think, therefore, that a machinery of Government, which would ensure the due fulfilment of contracts, would go far towards the remedy of this evil.

292.—You state that the whole of the Locations at present existing are too small in extent for the natives—do you include in this estimate the lands beyond the Umkomas, or the seven Locations you enumerate only?

The Locations only.

293.—Then you consider the two millions of acres as insufficient?

That does not follow, but whatever may be the area of the Locations; I consider them insufficient, this is not founded upon any calculation of the number of acres, but upon observation of the description of country comprised within them.

294.—How much land do you consider as necessary to afford sustenance for one individual, taking the average children and adults?

I have found it difficult to form any estimate on this point, A system of emigration to this country has been instituted, based on the belief that an allotment of twenty acres to each individual would be sufficient for his subsistence. This has been found too small, and the allotments are deserted in consequence. On the other hand, the original emigrants consider 6,000, and, in one part of the

district, 8,000 acres, necessary for the maintenance of one family. Were it not for these facts, I should have thought half an emigration allotment sufficient.

295.—Your reply can scarcely be considered an answer to the question. The emigrants did not relinquish their lands because of too small an extent, but of too insignificant value. Twenty acres at 3d. or 6d. an acre, (a price frequently realized at that time) would be worth no more than 5s. to 10s.; and the survey fees alone, according to tariff, without cost of transfer £2 4s. 6d., and in many instances the want of the necessary skill and means to cultivate the land, was the chief cause of abandoning the pursuit, to follow others more suitable to their habits and resources. As to 6000 or 8000 acres being considered necessary to maintain a family, the idea is too preposterous to be entertained. The Dutch farmers being generally extensive cattle breeders certainly do consider a large tract of country essential to farm successfully; but this is no criterion as to the number of people that might be supported out of the produce of a certain or given extent of average land, and where a vegetable and not animal diet forms the chief article of support, one acre is equivalent to three. Is this fact only considered by you in making these calculations?

I was not before aware that the insignificant value of the twenty acre allotments was the sole cause of their abandonment. I certainly did know that many emigrants declined to take out titles to their allotments on this ground, but I was fully under the impression, which I find to be correct, that many did take them out, and after having paid for and occupied them, abandoned them. That the Dutch farmers' idea is preposterous I cannot quite subscribe to. Their experience has taught them the extent necessary for farms combining grazing with agricultural pursuits; and we all know that large tracts of land are necessary for these purposes. I think this must be regarded as some criterion in judging of the extent of land necessary, where both pursuits are combined. I do not dispute your relative capacity of acres for maintaining life, if you restrict their food entirely to vegetables, and their possessions to the produce of a garden. But it must be borne in mind that the natives in this country, although they may live chiefly on vegetable diet, their property consists principally of live stock.

296.—Do you take into account the fact that Natal produces more crops than one during the year? That in addition to Indian corn or mealies the Kafirs cultivate millet or Kafir corn, potatoes, pumpkins, and other edibles also? And that all the land under mealies for last season may be so cultivated, and the crops reaped before next mealie sowing season comes round?—I am quite aware of this being the case.

297.—Taking the land already occupied at two millions of acres, and the population at one hundred thousand, this would give twenty acres to each; but if three persons only be allowed to each

hut (which is generally considered to be a more correct estimate) nearly 27 acres each would be found to be the quantity allowed ; and yet you say that they have insufficient. On what principle do you make this calculation, and arrive at this result, so contrary to established statistics ?—I think our established statistics sufficiently prove the hypothesis that 20 acres are too small for the subsistence of one individual. With regard to the estimate of inhabitants to a hut, I believe from statistics I have seen since the sitting of this Commission, that three is a nearer average than four. This would not, however, induce me to alter my opinion as to the aggregate amount of the native population reaching 100,000. In 1849 and 1850 taxes were paid on upwards of 25,000 huts, and some whole tribes and many sections of tribes were exempted ; the population is, therefore, much greater than is represented by the number of huts on which taxes were paid.

298.—According to Balbi, an acknowledged authority, the average in Great Britain is  $2\frac{1}{4}$  acres ; in France,  $3\frac{1}{4}$  ; Saxony, 2 ; Belgium,  $1\frac{1}{2}$  ; to each individual. The experience of Mr. Archbell, and the opinion of Mr. Cloete, as given in evidence, supported as they are by Mr. Davis and other witnesses examined, would lead to the conclusion that you are greatly mistaken in your estimate, unless you condemn Natal as a remarkably barren country. Is this the meaning that you intend to convey ?—I presume that the statistics you have quoted are founded upon the general average of population over the whole face of the different countries for which they are made. In the present case we are speaking of particular sections of this country, which contain, almost without exception, all the unavailable ground in it. No such general average could apply to restricted selections like the locations in question. With equal justice might it be insisted that it is applicable to the area occupied by the rocks and declivities of Table Mountain. With regard to the testimony of the gentlemen you have mentioned, I am not aware to what particular part you refer, I am therefore unable to account for the discrepancy which you think exists. The meaning I intend to convey is, that whatever may be the average fertility of the District of Natal, that average is very much lowered when restricted to the locations.

299.—I am aware that in some of the locations the land is extremely rugged, but it is not therefore necessarily barren. The Kafirs naturally prefer this description of country ; not only as affording them greater security, but as being better adapted for their mode of cultivation, and more abundantly supplied with wood and water. The steep inclines are almost invariably selected by them for their mealie gardens, in preference to the level lands ; and according to evidence which ought to be relied upon, and which my own observations would go to support, some of the best lands in the country are included within the locations. Do you mean, therefore, your observations to apply to one or two of these locations

or to all indiscriminately; and in expressing yourself thus, have you taken the precaution to examine the country spoken of, in order to see whether all the available lands have been cultivated by the Kafirs?—In locations situated in high countries, like the Zwart-Kop, the sides of hills are generally selected because the excess of moisture sometimes causes the failure of crops, but in rugged broken country the level bottoms or flats are almost invariably chosen for cultivation. The locations generally include some of the best lands in the district, and almost all the worst. I exclude, however, the Zwart Kop and Umlas locations from the character of containing a preponderance of broken and useless country; the former of these represents only an area of 61,000 acres, and the latter (estimated in Mr. Cloete's memorandum at 130,000,) has never been defined as to extent. I have been over or seen all the country I have spoken of, and the opinions I have expressed are the result—taking also into account the necessity of providing for the natural increase of the population.

300.—Have you an approximate idea of the extent of land included within the territory you propose to occupy with the Kafirs, between the Umzumkulu and Umtafuna?—I have estimated it at about 30 miles broad by 80 long; but it is merely an arbitrary estimate. In my letter of the 9th December, 1851, I propose to place them between the Umkomas and Umtafuna, which would, I should judge, nearly double this estimate.

301.—Are you aware that Faku has resumed possession of the country which was ceded to this government by him, and in which you propose to settle the Kafirs you would move from this district; as such would appear to be the case from an observation made by Mr. Harding?—I am not aware, neither do I think that such is the case.

302.—Have you any reason to believe that the strong opposition manifested by Faku to the locating a body of Zulus westward of the Umzumkulu (spoken of by the British Resident, Mr. Fynn, in a letter to the Secretary to the Local Government, dated 4th Oct., 1848) has been subdued and his apprehensions allayed?—Yes, I believe that he has since that time notified his consent to the British Resident.

303.—Do you know whether it is Faku's intention to move his tribe into that unoccupied country, and approach nearer to the Umzumkulu, which he claims as the country of his forefathers?—Some years ago he expressed his intention of doing so, but since then that country has become so occupied by other tribes, that I much question his ability to carry it out now.

304.—Did not Faku cede to the Dutch Boers the whole of the territory north of the St. John's River, and was not this again ceded by them to the English; or did the Dutch lay claim to the country which had been overrun by Chaka's armies, as far as to the St. Johns, by virtue of a cession from Dingaan; and did not the Volks



Raad proclaim their authority to extend to that River?—I never heard of any such cession by Faku. I believe the emigrants claimed the country to the St. John's River in virtue of an instrument executed by Dingaan.

305.—Are you aware of an intention on the part of Kreili to marry Faku's daughter, and settle down with his tribe in close proximity to him? Do you apprehend any danger to this colony, or to your proposed Kafir settlement beyond the Umkomas, by such a combination of strength and interest?—I am aware that at one time such a marriage was contemplated, and that Faku's daughter was taken to Kreili for the purpose; the latter, I understand, however, rejected the alliance, and treated the embassy with great indignity. I have not heard of the negotiation being resumed; but were such the case, I think the habits and ideas of the two people are so different, that a long time must elapse before any serious combination could take place.

306.—If any nation or scattered tribes be found to have taken possession of the country which you propose to occupy, would you remove them before introducing the Kafirs from Natal?—I did not contemplate the removal of such tribes, but to confine them more to such extents of land as might be necessary for them.

307.—Having located the Kafirs you propose taking there, would you admit a white population also, with a view of colonizing it and civilizing the Kafirs, or do you intend that it should be a Kafir settlement?—To admit whites would be but to perpetuate the difficulties we are now labouring under. My idea is that the freer operation of their own laws in such a position would induce a steady flow of labour to this district, and a gradual amalgamation of the population here.

308.—Would you have the settlement you propose on the St. John's strictly composed of a European or white population, or would you advise the placing of small locations of Kafirs there also to supply labour to the settlers?—There would necessarily be locations of natives within the settlement of St. John's. Faku, for instance, could not be ejected, and neither could his tribe be justly interfered with, except to a very limited extent.

309.—Does your proposed removal of the Kafirs depend on the line of military posts being established?—The plan proposed in my letter of 9th Dec., 1851, is based upon the military occupation of the country between Natal and the Cape Colony; and I think no part of it could be advantageously carried out without a corresponding extent of military occupation being adopted.

310.—As the plan which you recommend appears to be calculated to add to the security of the old colony equally with this, have you any reason to believe that it would be entertained by the government at the Cape; and that it would be prepared to bear a proportionate part of the expense?—I am of opinion that the control of

the country between this district and the Cape colony is a matter of equal importance to both governments, and on this ground I conclude the Cape government would not refuse its aid if necessary.

811.—Has your plan been submitted to the Secretary of State for the Colonies, and gained his approval, or otherwise?—It has been submitted, but I have reason for believing that very little probability exists of its being adopted. It was under the influence of this belief, together with the very urgent manner in which the question of the natives generally in the district appeared to be forcing itself upon the consideration of the government, that at a meeting of magistrates, convened by His Honor the Lieutenant Governor about ten months ago, I offered to remove with the native population of the district beyond its boundary, and between it and Faku; and there to undertake its control, without its being necessary for the British government to interfere, except in so far as to guarantee the country to these people, so long as they behaved in good faith towards it and its subjects, and to acknowledge my position over them. I feel no particular inclination to encounter the banishment, anxieties, and peculiar difficulties inseparable from such an enterprise; but I was deeply impressed by the considerations advanced at the meeting alluded to, more particularly the conviction that some radical change in the situation of the natives as necessary for the well being of the district. I felt moreover a strong desire to relieve both the white and colored population from a position with regard to each other which I had been the chief instrument of placing them in, under the hope and belief that it would eventuate in mutual benefits and advantages. Another consideration which has weighed very seriously with me is the decided hostility publicly manifested or expressed by the white population towards the natives as a class, on various occasions during the last two years, both at public meetings and through a portion of the press; by which means the weakness of the government has been proclaimed to them, and they have been led to adopt the inference that they are tolerated only so long as the whites do not feel themselves strong enough to do otherwise. I do not wish to be understood as expressing an opinion as to the merits of the complaints which have given rise to these sentiments, or as averring that they constitute a faithful exposition of public opinion. However this may be, they have reached the natives through the channel by which such opinions are ordinarily conveyed. I state the facts and the effects which have resulted from them, viz., a settled conviction that they cannot live together as they are.

812.—In Earl Grey's despatch of 30th Nov., 1839, he speaks of the removal of the Kafirs to beyond the boundary as very objectionable; are you aware of the nature of his lordship's objections, and prepared to show them to be groundless?—I am not prepared to shew his lordship's objections to be groundless; I believe them

to be founded on correct and statesmanlike views. They were, however, urged under circumstances different from those now existing.

313.—Have you taken measures to enable you to make an estimate of the expenses which would be incurred in carrying out your suggestions, approximating to the amount required?—I have not sufficient data to form an estimate of the expense necessary to carry out my plan of the 9th Dec., 1851; that attendant upon my recent offer to the government would be but small.

314.—Have you devised any means of meeting a part of the expenditure required for your plan of the 9th Dec., 1851, by a tax levied among the natives?—I have alluded to this as an ulterior means of meeting some portion of it.

315.—What are your reasons for exempting Natal from contributing its quota. Do you propose that the necessary funds should be advanced by the home government by grant, or as a loan; if the latter what proportion would you propose making chargeable to Natal, your new settlement, or the Cape?—My idea was that compared with the immense amount of treasure periodically spent by the home Government in prosecuting frontier wars, it would be a measure of economy as an imperial expenditure.

316.—Would it not be dangerous, in your opinion, to organize a large body of Kafirs and locate them between this and the old colony, or would you prefer to place them within moderate sized locations, as sanctioned by the home government?—I believe we have no choice in the matter, and that the destination of the colored population of this district is the country in question, unless the Zulu power falls, or becomes modified in time, to draw off a portion in that direction.

If I thought the location system practicable with the present population, after so long delay, I should prefer carrying out that which has been already partially established.

317.—What is your proposed machinery for the internal management?—I should at first leave the internal management very much to the chiefs themselves, acting as the representatives of government, under the general supervision of officers appointed over districts—presuming your question to bear reference to the proposal contained in my letter of the 9th Dec., 1851.

318.—Why would you not enforce the removal of the Kafirs should they resist, if you had the power to do so, such as might be at hand at the close of the war on the frontier, for instance?—If the Government sees fit to issue an order for the removal of the natives and they resist, it must be carried out by force at all hazards. This is, however, to be deprecated on every ground. Neither of my proposals contemplated the exercise of force, because I think it can be avoided, and also that it should be avoided.

319.—What is the force you would propose to organize within this country to protect us effectually against internal commotion or

external aggression on the part of the Kafirs!—An organized Burgher or militia force is, I think, indispensable in a country like this.

320.—What arm of the service has been found most useful in conflict with the Kafirs?—I believe Cavalry.

321.—Are you aware that the principle of the commando system, as practised in the Cape colony under the Dutch government, and afterwards under the English, was abrogated by the latter, and that subsequently it has been found necessary to return to and act upon that principle towards the Kafir population?—I am not aware that the commando system has been revived in time of peace. I have understood it has been had recourse to in time of war; but I cannot speak positively as to this.

322.—Are you of opinion that the colonists were to blame for the present frontier war, or that the Kafirs have been goaded there to by acts of injustice on the part of the British government; or, on the contrary, do you think that the Kafirs have had no adequate cause for making war on the colony; and further, are you apprehensive that a continuance of the present policy towards the Kafirs in Natal may lead to similar results?—I do not believe that the colonists are in any way to blame for the frontier war, or that any acts of injustice on the part of the British government have goaded them to undertake it, and I think moreover that the Kafirs have had no adequate cause for making it. Should the policy of this government towards the natives, prove as vascillating and unstable as that observed towards the frontier Kafirs, the same results must follow. I have already said that the present position of black and white in this district, is calculated to disturb the peace of the district rather than to establish it.

323.—Do you look upon the hut tax as a mere rental upon the land, or as a contribution towards the expenses of the state for their protection; in either case are the Kafirs made acquainted with the nature of the tax?—The hut tax is not a rental upon land, but a contribution to the government in acknowledgment of its supremacy and the protection the payers enjoy while living in its territories; this view has been especially and universally explained to them; in further explanation of the nature of the tax, I beg to refer to a memorandum on the subject submitted by me to the Legislative Council, dated June 18th, 1849, and upon which the present taxation is founded:—

#### MEMORANDUM.

“The Council having on Friday last, requested me to furnish in writing my views as to whether it is practicable to levy a tax upon the native population of the District, by native agency, or other unexpensive means, and what description of tax might be so levied, I beg to submit the following memoranda on the subject:—

It is, probably, within the knowledge of this Council, that an estimate of revenue and expenditure was furnished to the Government by the Commissioners for the location of the natives, of which I am a member.

The Commissioners estimated that the amount of annual revenue from the natives would be about £10,500 after three years, and the expenditure necessary to collect that revenue and manage the locations about £5,500 from the first. In this estimate I fully concurred, and believe it to be safe and practicable.

The Commissioners contemplated the imposition of a capitation tax, as the means by which the revenue was to be raised; this, of course, rendered registration, and the settlement within one or other of the localities, more or less necessary; but, without European aid and superintendence, these are impossible:

I had, in common with most others who have thought on the subject, adopted the opinion that one pound sterling per married man was a fair and reasonable amount for natives to pay in tax to a Government whose protection they enjoyed to the extent accorded by ours; but in applying the principle of taxation practically, in February last, to the native inhabitants, on the various farms along the coast, to serve as rent to the proprietors, I found indiscriminate equalization to be highly unjust.

It is notorious that, as a general rule, unmarried natives do not till the ground, and that cultivation and riches are in exact proportion to the number of wives possessed by individuals; each wife has her separate hut and garden, and is in this respect perfectly independent of the other part of the husband's establishments. Supposing a woman to cultivate one acre, the man who has ten wives (which is not an unfrequent circumstance) has the produce of ten acres, while he with a single wife has only that of one; or, in other words, the former is by ten to one more able to pay his taxes than the latter; so that equalization, under such circumstances, would result in great injustice, unless the principle of a head or property tax were in some degree adhered to, the efficient accomplishment of which would, however, as I have before said, be impossible in the absence of European superintendence.

The question proposed by the Council as to the practicability of raising a revenue from the natives, by taxing through native instrumentality, is one which I feel great diffidence and difficulty in answering.

I am however of opinion, after much consideration, that the mere raising a revenue, however difficult, may be accomplished, although it may not by far reach the estimate furnished by the Commissioners above quoted, and cannot be effected with anything like the accuracy their plan was calculated to ensure, the only means to be used being natives, who cannot write or make memoranda of names, it will be necessary to employ a considerable number, so as to admit of their memories being available as evidences of payments, or the contrary of any inspected villages, probably printed tickets might be used as receipts; but these, being transferable at pleasure, will not do away with the necessity of numerous native collectors.

The only tax I think it practicable to collect by natives, and the only one which I should be willing to attempt with such instruments, would be a rate upon their huts. While their present customs prevail, this would not only be the simplest to collect, but I think the most just to impose; it embraces every advantage of both a property and an income tax, and has the further recommendation of directly discouraging polygamy, that great incentive to the exclusive acquirements of cattle, as the most desirable description of property, while its levy is not capable of very extensive evasion, until it shall have resulted in causing more expensive and substantial dwellings to be built by the natives (a result most sincerely to be wished for) when another description of tax may be devised to meet such altered circumstances.

I am of opinion that a tax of 5s. on each hut in the District is a fair amount to levy, and one which would be quite high enough for the present circumstances of the natives as a universal tax; and that every kraal having the usual establishment of a native kraal, that is, cattle and cultivated ground, whether in a location or on private farms, should be subject to this property and protection tax.

To this might be added 1s. or 2s., per hut, as a quit rent, for land on all

kraals or villages, residing either in the locations or on government land without any location, but not on those residing on private farms.

To carry out such a levy, and indeed for every purpose of the management, it is indispensable that the government retain the same general control over such natives as are living on private farms, as over those in locations; and that such control be vested in the officer representing the government to the natives, subject of course to the supervision of the government.

Further, as the basis upon which the natives have been governed since the arrival of an organized government in Natal has been their own law, which constitutes the Lieut. Governor of the district, the supreme chief and the officer anomalously called the Diplomatic Agent, his lieutenant, administering these laws, it is necessary at least for the success of the measures contemplated by the government, and irrespective of other serious considerations in its favour, that this arrangement be continued and legalized.

As it is probable that money payments will not be made in every instance, it is desirable that the officer who is to direct the levy shall have the authority to receive cattle or other saleable substitute, and to dispose of the same by auction or otherwise, to the best of his judgment as soon as may be, so as to realize its value in money with the least possible delay.

This power to enforce payment of the tax where necessary, and to repress any opposition manifested against its collection, must also, to a certain extent, be possessed by the directing officer, as well as authority to remit the taxes under circumstances requiring or justifying such a measure.

It will also be requisite and just that a reasonable time should be given between the notice and the levy of the tax. I should think six months ample, but not unreasonably long, considering that it is for the first time the measure is to be adopted; the great difficulty with regard to the notice now is, that it will throw the collection into the worst part of the season; and as they are to be annual, keep them there. I am of opinion that winter is the most convenient time for collection for many obvious reasons; the gross amount of revenue by such means, if successful, would, I should think, amount to between £6,000 and £8,000 sterling.

These are the main points which the consideration of this question since Friday last, has suggested to my mind, excepting however the magnitude of the attempt on the part of a single individual to carry out the measure. The council will better appreciate the difficulties, when I remind it that the tax is to be collected from a population scattered over the surface of a district 18,000 square miles in extent; that every kraal must be visited; and that, after all, no registration or memoranda, to serve as a guide, can be preserved; neither can I, at this moment point out in what way the Government could assist me. The registration of Kafir names cannot be done by any except by men who understand the language and its orthography. I am also unable to estimate the expense. It will, however, necessarily, as I have shown, be greater than at first sight appears probable; and added to this is the painful responsibility of so large an amount of public money passing unchecked through the hands of a single person.

I am, however, willing, should the Government decide upon the measure, to make the attempt, even under these circumstances and the already overwhelming amount of my duties. Feeling assured that should it fail of realizing the amount expected, the government will accord me the credit of having effected as much as the means at my disposal would admit of, and hold me harmless, as far as I am personally concerned.

I have not touched upon minor details necessary as preliminaries, when the major consideration shall have been decided upon.

(Signed)

J. SHEPSTONE,  
Diplomatic Agent.

Pietermaritzburg, June 18, 1849.

324.—Seeing that native born British subjects or Europeans would not be allowed to occupy crown lands without purchase of lease, do you think that any injustice would be inflicted on the Kafirs by such a rental being imposed equivalent to what would be demanded from natural born subjects?—I do not think such a measure would involve any injustice.

325.—Taking the land at present occupied by them at two millions of acres in extent, and the sum of £10,000 as the tax realized, this would be equivalent to 1d. per acre: do you think it a fair rental?—I have before explained that this is not a rental, but were it so it would be upwards of six times greater than the quit-rent charged upon a six thousand acre farm.

326.—It would appear then from your evidence, that the Kafirs occupy lands without payment of any consideration for their use. Your remark on the quit-rent only bears on the question in the event of such lands being considered as having been absolutely granted to them by the local government. Is this your view of the case?—A reference to the memorandum given in answer to question 323, will show that I proposed the amount of hut tax should be fixed at 5s., and that a rental of 2s. should be added to such as resided in locations. These two sums were, however, subsequently merged, and the total charged as a hut tax. The locations being appropriations solemnly made for their use must be considered in the light of a grant to a class of people, because, as it appears to me, the faith of the government is as much pledged in this act as the issuing of a title deed to an individual.

327.—As the Kafirs consume no excisable articles, or to a limited extent, and thus fail to contribute towards the expenses of government by that indirect means, do you think that the plan proposed by Mr. Harding of imposing an additional customs duty on all Kafir goods imported would be unfair or unjust towards them?—They do consume a considerable amount of excisable articles, and consequently do contribute to the general revenue of the government by that means; the only articles consumed by them which do not pay import duty are hoes or picks. I should prefer to see their wants extended rather than those already that unnecessary restrictions should be placed upon created by our presence. Mr. Harding's proposed which is based upon the fact that they do consume excisable articles, may not be either unjust or unfair, but I should think it impolitic.

328.—Are you aware of the extent or value of the goods that are imported such as you allude to, and of the amount payable upon them as customs duties, or of the description of goods on which a duty is imposed, and the import duties chargeable on them?—I have not as yet been able to procure any returns shewing this, but I hope to do so before the Commission closes.

329.—You assign as a reason why the recommendations of the Location Commission were not carried out, the refusal of the home government to advance you the means, and the state of the

local treasury. Could not the necessary funds have been raised by a tax imposed upon the Kafirs themselves, as an opinion is entertained by some of the witnesses examined by the Commission that such could have been safely effected?—I do not think any taxation could have been carried out previous to the time of its first imposition. I may differ in this from some of the witnesses, but I state it as my deliberate opinion, having been intimately connected with the management of these people, from the first formation of a regular government here.

329.—What is the amount realized up to the present from K. fir taxation, and with the money so raised has any part of the proposed plan been brought into operation?—£24,000 in round numbers. Four magistrates were appointed in 1850, one of whom only now remains in a location; subsequently several assistant magistrates have been appointed, whose jurisdiction extends over black and white—only one of whom at present, however, resides in a location.

331.—Do you anticipate any difficulty in collecting this tax for the future; if so do you consider this will arise from their inability or unwillingness to pay?—I anticipate increased difficulty every year in the collection of the tax, from both the causes you mention.

332.—How do you reconcile the alleged increasing inability of the Kafirs to pay their annual hut tax with your answer to question No. 197? and supposing the Kafirs to have even sold their last cow to pay the tax, could they not by laboring for the white man readily provide for the future, and in fact avoid the necessity of selling their cattle at all?—Generally, I think, they are increasing in wealth, but there are numbers among them who are poor, and who, from infirmity and other causes, are unable to labor for the tax.

333.—Could an increased tax be imposed with any probability of being quietly submitted to by them?—I think not.

334.—Do you think that the Kafirs generally would appreciate permission to purchase landed property if they were exempted on that account from certain taxes; and might not a condition appended thereto that to become a proprietor it were an essential requisite that the Kafir should be the husband of one wife only, be of service in lessening polygamy?—I am not aware that any permission is necessary for a Kafir to become a landed proprietor; exemption from taxes on his becoming one, might serve as a stimulus to a small extent, but I do not think the condition you suggest would bring about any practical result, as regards the lessening of polygamy.

335.—Would the legalizing of one wife and making the children by her alone the legitimate offspring, have a tendency in this direction?—The tendency would certainly be in that direction, but I do not think that either their moral or social condition would be benefited by such a measure.

336.—What do you think would be the effect of a continued



peace for a number of years ; would it not by bringing the number of either sex more equal to the other, promote such a desirable end ?—It must be to equalize the sexes, and operate against polygamy.

337.—Is it always the eldest son who succeeds to the inheritance of his father, chief, or otherwise ?—As regards a chief, never : otherwise it frequently happens.

338.—Does the choice of a husband mainly depend on his ability to pay, irrespective of age or infirmity ?—Ability to pay is a great qualification, his rank and station are another, and as regards the parents of the girls, among blacks as among many whites, they are the chief ones ; but it is perhaps more necessary among the natives to consult the inclinations of the girl, because with us a marriage once concluded the bond is fixed, and the necessity for further persuasion or coercion on the part of the parent ceases ; with them it never does, and I have never known a girl determining against the will of her parents and fail in having her own way whether the marriage had taken place or not.

339.—Is one wife considered superior to another by age or other distinction ?—Yes. I shall allude to this in my memorandum on their customs.

340.—When a Kafir woman refuses to accept the husband chosen by her father, is it not a custom to resort to various kinds of torture until she submits ?—I have heard of frequent instances of this, but it is not sanctioned as a custom, and usually fails.

341.—Is any right or favor granted to the children of one particular wife ?—The children of each wife have their particular rank and inheritance. The wife who is to bear the successor to the chieftainship or headship to the family is nominated by the husband, in conjunction with the great men of the tribe.

342.—What is the description of labor coming within the man's province, and that of the woman's ; and which is the greater and more severe ?—The man builds the kraal, the framework of the house, and manages the cattle ; pays periodical visits to the chief's residence to do homage and seek employment in carrying out judgment of trials, and other remunerating services. The woman stays at home, cultivates the garden, and attends upon her family. That of the latter is the most severe.

343.—What effect do you suppose a powerful emigration of Europeans would have on the Kafirs ?—It would, I think, have the effect of causing masses and organized tribes to leave the district and retire to a greater distance.

344.—Do they look with a jealous eye on a European emigration ?—They have learned that it will necessitate their retirement, as mentioned in my answer to the last question.

345.—Do you think that the settlers by conducting themselves in a kind and conciliatory manner might secure their attachment and prevent their suspicions ?—I think in individual instances that this

would be the case ; but as classes the feeling has already too clearly shown to expect such a result.

346.—Having already informed the Commission that various grades of rank exist among the Kafirs, will you state your opinion as to the propriety of perpetuating the relative superiority of the chief or captains, and others holding inferior positions?—The propriety of doing so must be, I think, considered, 1st, as regards their right to such superiority, 2nd, their capacity to exercise it, and 3rd, the effect their doing so would have upon the good government of their people, in the position they at present occupy with regard to us. As to the first, I think their right can scarcely be questioned, when their original title to it, and the subsequent confirmation of that title by acts of the government are considered. As to their capacity for exercising it, I think as a general rule they are better fitted for it than the majority of their subjects, from the education which their position and circumstances have imparted to them, and the deference which their birth commands from their people. And with regard to the third consideration, I have already expressed my conviction that for some time to come we cannot rule without their assistance. The presence of a civilized government has necessarily a direct tendency towards breaking up chieftainship, it does so by degrees, but most certainly ; and as this influence for restraint is found to decrease, it will be necessary to substitute others which will eventually supplant it altogether. Chieftainship must die out, it cannot be extinguished at a blow.

347.—Is it generally considered a great obstacle to the civilization of a barbarous people, the difficulty of providing for the continued superiority of the chief families?—I believe chieftainship such as exists in South Africa is an obstacle to civilization ; but I am not aware of any experiment for civilizing them having been coupled with a provision for the continued superiority of the chief families.

348.—Do you not think that these being gradually accustomed to habits of civilized life, and made of consequence in the locations, by the exercise of a delegated authority, would be the most effectual means of protecting and improving the people under them?—I think if the principal families among the natives could be induced gradually to adopt civilized habits, a great influence for good would be brought into action ; on the other hand, the sudden adoption of them would destroy any influence the individuals might have possessed previously. I have always been careful to explain to the chief that they are no longer the absolute heads of their tribes, but the representatives of supreme government to them.

349.—Such being the fact, would it not be dangerous and impolitic to lessen the power of the chiefs?—I think it would be both dangerous and impolitic to lessen the power which the chiefs

now enjoy. I have always been of opinion that the chiefs in the district should not be allowed to exercise those prerogatives which appertain exclusively to a state of independence; and acting upon this conviction, on my first assuming office in Natal I recommended to Lieut.-Governor West that all those prerogatives should at once be transferred to the seat of government, to mark its supremacy. He approved of the suggestion, I issued the order; and from that time it became necessary that permission should be procured from me, acting on behalf of the Lieut.-Governor, before any chief in the district could assemble his people for the annual dance of the first fruits, or assemble his men in arms, or institute "Umhlahlo" (witch dance), or "eat up" (as confiscation of property is termed) any of his people. And I can state that up to 1850 these orders were generally obeyed. I beg to append my two letters to the Secretary to Government of Natal, dated respectively 14th August, 1848, and April 26th 1848; page 42 and 44, Blue Book for 1850.

Sub-Enclosure 5 to Enclosure 7 in No. 9.

Pietermaritzburg, August 14, 1848.

Sir,—I have the honor to acknowledge the receipt of your letter of the 11th inst., transmitting an extract of the Royal instructions lately received directing the issue of a proclamation declaring Her Majesty's pleasure with regard to the laws and customs of the natives in this District, and requesting my opinion upon the probable operation of such an announcement with respect to the practice which has hitherto been followed in settling all cases between natives, and also such suggestions on the subject as may seem to me to be called for by the circumstances of these natives, and their relations to the Government and the European inhabitants.

In replying to this communication it appears to me desirable, first, briefly to describe the mode by which they have been ruled since the establishment of a regular Government at Natal, and their own ideas of their position with regard both to the Government and the white inhabitants.

It will be readily admitted that the Natal natives are not in such a state as would render it desirable or even prudent to substitute our civilized laws for their own, which, in my opinion, are, in the main, just, and admirably calculated to rule men in the condition of the natives in this district. Upon this conviction, His Honor the Lieut.-Governor of Natal, upon my assuming the appointment of Diplomatic Agent here, approved of my administering, on behalf of the Government, their own laws to them through their chiefs, as far as the native agency existed, and directly where it did not. This mode obtains to the present moment, and is, I think, the only safe and efficient principle that could be adopted.

It will be seen that this line of policy is in remarkable accordance with the paragraph of the Royal instructions you have furnished me with, with the important exception, however, that the former absolutism and supremacy of the chiefs are transferred as a matter of course to the Supreme Government of this district.

The chiefs now view themselves as the hereditary representatives of the Government to their several tribes, and as such apply for and receive directions for their guidance from me as the organ of the Government to them.

This state of feeling and practice have existed for two and a half years, and I can appeal with confidence to His Honor and to his Government, as to the wonderful measure of success they have been crowned with.

To avoid unnecessary length in this communication, I beg to refer His Honor to my letter of the 26th April, 1846, to your address, wherein matter intimately connected with the subject of your present inquiry are discussed.

There is, however, a very large proportion of the native inhabitants of this district, as described in that communication, without any hereditary head or chiefs; many of these I have temporarily attached to the most considerable chief in the neighbourhood;

In almost all cases of dispute, however, these chiefs have either declined to decide or otherwise decided unjustly, because one party of the litigants did not belong to their clans and, consequently, their management, as universally sought by chiefs and people has been direct from me.

A great majority of this class of natives would therefore be deprived of any organ, or control, or management, if the chiefs are made the sole rulers of the native population; indeed, estimate one-third, or at most one half, would be only provided for.

At the commencement every decision of the chiefs, without exception, was appealed from by the losing party; and to check this as much as possible, and keep down the overwhelming amount of business that would thus accrue, the original decisions have been confirmed where manifest injustice has not been the result.

In cases that have been reversed on this account, the chief has always sent a person to represent the grounds of his conduct, and has invariably afterwards by special messengers expressed his concurrence in the reversal, and the grounds on which it was based; adding, "We are to be taught, and you are the proper person to teach us." I never knew an instance of the smallest feeling of resentment being manifested in consequence, and the decision thus given has been considered final.

I have already stated that the chiefs view their former hereditary prerogatives as transferred to the hands of the British Government, and themselves as mere hereditary deputies exercising those prerogatives in a modified form; the people also take this view, but wish the power of the chiefs more curtailed than it is.

As a class, the natives look upon themselves as far inferior to the white inhabitants whom circumstances have taught to view as their natural superiors and masters.

Having thus briefly, and by reference to a former communication sketched the present mode by which the mass of natives in this district are governed, I pass to your question as to the consequences of the announcement directed by the Royal instructions.

From what I have already shown, it is manifest that a proclamation declaring, "that in assuming the sovereignty of Natal, the British Government had not interfered with or abrogated any law, custom, or usage prevailing among the inhabitants previously to that event, with the certain exceptions named; and that it had not interfered with or abrogated the powers which the laws, customs, or usages vested in the chiefs or in any other person in authority among them," would be a step directly retrograde, inasmuch as such measure would restore to the chiefs, unsought by them, the dangerous prerogatives they have already voluntarily surrendered to the Government, which is their only safe repository, and would at once emancipate them from all control by the Government; except that of the purely political nature, because, by their laws, customs, and usages, the power of the chief is absolute and independent over their own tribes, and consequently liable to the most dangerous exercise; while, on the other hand, the majority of the population, deprived of all control whatever, would be thrown into a state of anarchy and confusion, subject to the arbitrary caprice of any neighbouring chief who enjoys hereditary right. In addition to this, one of the principal and most highly appreciated boons conferred upon the native by the supervision of a civilized Government,—that of a wholesome restraint upon the unbridled wills of their chiefs, is annihilated, the result of which would be the desertion by the common people of the locations, even when formed, to escape the tyranny they will no longer submit to, and the overrunning of the farms where its influence cannot reach them.

I am, however, of opinion, that no proclamation affecting a class of Her Majesty's subjects, and so large a portion of them as the native inhabitants of Natal, could be issued with any degree of efficiency or good effect following, unless the localities affected by it and inhabited by the class concerned are inhabited, and defined; and I cannot omit to remark, for the Lieut.-Governor's consideration, that the uncertainty hanging over this question has been, and is still, likely to be productive of very unfavourable results in the minds of the natives towards the Government.

I am however, of opinion, that a proclamation defining the localities referred to when they shall have been determined upon, and declaring that within those localities, or until they are determined upon, within certain limits occupied by masses of native inhabitants, native usages and customs shall be allowed under certain specified restrictions, and that their own laws shall be administered to them by the Government through the agency of hereditary chiefs, and such other persons as it may be fit to

appoint, would be highly beneficial and subservient to their efficient government, reserving of course, the right of amending those laws as from time to time may appear necessary or desirable, and thus preserving the supreme prerogative which the chiefs have already voluntarily transferred to the hands of the Government, and which they are unfit to exercise in their present altered circumstances.

Every reflecting colonist sees that our laws are inapplicable to their circumstances, and would only secure to them impunity in the commission of crime; whilst they possess one or two characteristic principles which are necessary to their management, whilst they are foreign to the principles of our jurisprudence.

I am of opinion, that every native of the district should be compelled to reside within the limits of one of the localities wherein the laws suited to his condition are in force. From this I of course, exclude all such as may be in service, or under the immediate supervision of responsible colonists.

It is essential that the natives in every location should look to the seat of the District Government as its supreme head, and that every measure be avoided which might tend to encourage ideas of absolute or independent clanship.

The tribal distinctions that obtain among them are highly useful in managing them in detail, and these are sufficiently preserved by the tribal heads governing them in the name and on behalf of the Government, on such general principles as may be applied to the whole.

It appears to me also desirable, that natives should understand that the moment they leave the locations to which they belong, and enter the service of colonists, to live upon a farm, they become amenable to the laws of the district in respect to such residence or service, and to the magistrates appointed by Government for giving them effect, and that the exertions of these officers to that end should moreover be co-operated with by the chiefs or other authorities within the location as well.

To place them under the "special control" contemplated by the Royal instructions, and of the absolute necessity of which there can be no doubt; it appears to me that each location or mass of natives should be controlled directly from the seat of Government by an officer representing the Government to the natives generally; that the jurisdiction of this officer should extend over all the natives in the district residing in masses or locations; that he should govern them according to the principles of their own laws, customs, and usages, with which he must of course be intimately acquainted; that the various chiefs, and, where there is no chief the persons appointed to act as such, should be accountable to the Government through him for the manner in which they govern their respective tribes; that he should also have the power, acting on behalf of an enlightened Government to remedy cases of glaring injustice which will doubtless occasionally, present themselves for redress. This officer should have the permanent command of their national or tribal forces, in order that upon the occurrence of any emergency all may be aware whose orders they are to obey, and to feel that, however separate and distinct they may be in origin and among themselves, they are nevertheless united under the Government they may be called upon to defend.

Acting on behalf of the Government under the somewhat anomalous title of "Diplomatic Agent," I have unassisted, and for two and a half years, discharged the various duties above enumerated by the common consent of all chiefs and people, and by permission of his Honour the Lieut.-Governor, until some settled form of Government should be devised for them, and my experience and the success I have met with induce me to recommend the continuance of the system I have described under the sanction and authority of a legal enactment.

My only warrant up to this moment has been the common consent of the native chiefs and people, and the toleration of his Honour's Government; but it is a responsibility of too great magnitude to be born by an individual for a moment longer than the circumstances absolutely demand without a more substantial and sufficient guarantee.

His Honour's Government being now invested with legislative powers by Her Majesty the Queen, I trust that this serious difficulty may be met and provided for, and the native inhabitants of this district placed in such a position as will ensure their efficient control, without which it would be in vain to hope for their advancement in the scale of humanity.

(Signed)

The Hon. the Secretary to Government, Natal.

I have, &c.,

T. SHEPSTONE,

Diplomatic Agent

Sub-Enclosure 5 to Enclosure 7 in No. 9.

Diplomatic Agent's Office, Pieter Maritzburg.

April 26, 1846

SIR,

I HAVE the honour to acknowledge the receipt of your letter dated the 11th instant, requiring, for information of his Honour the Lieutenant-Governor, certain information and my opinion relative to the native population within this district, and in reply thereto beg to offer such remarks as have suggested themselves.

The majority, if not all the principal chiefs, have already paid their respects to the Lieutenant-Governor personally, and they represent a large proportion of the inhabitants of the district, still, however, there remain thousands of individuals unrepresented by any tribal head, remnants of tribes which have been exterminated as such, and whose governing family has been entirely extinguished; these, who from their abject condition have been perculiarly the sons and daughters of oppression, enthusiastically hailed the protection of a European Government as a real and paramount blessing, and I have frequently been gratified to hear natives of this class, confidently speculating upon the amount of prosperity they look forward to under it.

It may be stated, that many of the chiefs in this district, although originally independent were in a state of vassallage and abject servitude under the Zulu yoke, until the differences between the emigrant farmers and Dingaan, enabled themselves to emancipate and place themselves under the protection of the farmers; and it was not until after the unfortunate occurrences that followed the collision of the latter with the Zulu King, that this land ceased to flow with the blood of its inhabitants, or that there was the least security in it from the savage armies of their powerful and implacable neighbour; in illustration, of this, I may relate a declaration I heard made by an old man of about 60, one of the few of that age to be found in that country; in speaking of the ravages of the Zulus, he said:—"There is not a river in the country in which the bones of my kindred are not strewn; and many a blade of its grass has been stained with my own blood."

In connection with this part of my subject I would notice the fact, that the governments across our borders, north and south, are of nature peculiarly despotic and arbitrary, and especially as regards the Zulu king, Panda, across our northern boundary; it is notorious that the most revolting executions of entire communities are continually taking place at the capricious will of this tyrant, in which neither sex nor age are respected, and where the question of innocence or guilt is never thought of when expedience seems to sanction the butchery.

Such a government as this upon our immediate border must greatly influence the amount of native population, and the means for it within the colony.

Thousands have already fled for the protection of the white man within its limits, and we have it from the best authority, that thousands more are only awaiting an opportunity to follow their more fortunate fellows, now that a permanent Government has been established; such immense accessions of population cannot but embarrass the measures his Honor the Lieutenant-Governor contemplates, in locating those natives already within his Government, and its lament able to know that although a moderate and just system of Government would at once render the Zulus happy in their own country, and remove any embarrassment in the consideration of the Lieut-Governor's measures, at is still found that murder and bloodshed are as rife as ever in that unhappy land.

On our western boundary the ten-lency although in a minor degree, is the same, viz— to flock to, for the purpose residing under British protection, and while it would be contrary to the high principles of our Christian and benevolent Government to deem for every such fugitives to the tyranny and despotism they fly from; it is also certain that no mere physical force will ever be effectual in preventing them from taking advantage of the privilege of our proximity, unless a corresponding moral change were brought about in the governments which they abandon.

Since my appointment to this district, my office has been daily thronged with natives of all grades, from the most considerable chief in the district, to the lowest individual amongst the common people.

The number of complaints I have either arranged or determined, has been very considerable, sometimes amounting to six and even ten daily; they chiefly bear reference to disputes respecting cattle claims, questions of marriage payments, and *simults*, the majority of long standing; where I could, I have referred to their own chiefs, but in very few cases has such references finally decided them; the chief, already prejudiced on one side or the other, has acted more as a retained advocate than an impartial judge, and

thus the matter has eventually reverted to me. In whatever decisions I have found it necessary to pronounce, I have met with the readiest obedience, from an idea that I am the officer deputed by the Government to be their special superintendent and judge, and indeed were it not so, a serious difficulty in their management would have arisen ere this, unarmed as I am with any substantial authority, to enforce such decisions.

The short experience I have had since my arrival here, added to that afforded by a seven years government of fragments of this same people (called Fingoes on the frontier) at their settlement at Fort Peddie, together with the following considerations and facts leads me to the adoption of the opinions I shall do myself the honour to submit for his honour the Lieutenant-Governor's consideration, in regard to the future management of these 100,000 natives within the limits of his Honour's government.

Until this country was occupied by Europeans, and for some period afterwards thousands of its inhabitants were yearly sacrificed by the constant and exterminating wars, and in the continual flights induced by this state of things, hundreds of infants were abandoned to perish, by their starving and fugitive parents, so that even the natural increase of population was to a considerable extent checked; no man knew the meaning of the word security; none possessed or could possess the slightest guarantee, that what he looked upon as his property at sunset would not have reverted to another and a stronger party before the morning light; and more than one case has been under my notice where man and wife driven by wars from their home, becoming separated in their flight, have wandered in a starving condition to neighbouring tribes, and after years of separation have found each other with other husbands and wives, and second families; in like manner, children have unexpectedly met with their parents, and parents their children, the latter estranged by absence and fresh associations, the former unwilling, however, to relinquish their claim to their offspring; such causes as these, which are by no means of unfrequent occurrence, induce litigations and dissensions between tribes which no mere native authority can quell or set at rest, seeing each tribe is as independent of the other in origin and fact as it is possible for two states to be.

Another source of disagreement and jealousy is, that we have within our district tribes who have warred with each other with a view of mutual extermination, the victorious party has in its turn been invaded by one more powerful, and reduced to the level of its vanquished neighbour; thus the worst feelings of our nature have been strengthened and cherished by past circumstances, and remain neutralized by necessity only, unchecked by any feeling except obedience to what they consider a supreme restraining power, such as the Government now established, to which all look for protection, and from which all must expect punishment who contravene its regulations and break its laws.

Setting aside, however, the question of the immense extraneous accessions to the number of native inhabitants within the colony which such short-sighted and cruel policy on our immediate border will inevitably give us, I address myself to the consideration of those who are, at this moment, living within the boundaries of British territory and who are now, *bona fide*, the subjects of his Honour's Government, bearing in mind that the necessity for becoming such does not arise from the fact of the country they inhabit being included within the British territorial boundary, but from a certainty in their minds of immediate annihilation beyond it, where they would be unprotected by such a privilege.

That they consider being under British rule a privilege is sufficiently evident from the earnest manner in which their request to become such are urged, and from the universal prevalence of the idea that it guarantees substantial protection, as manifested by the communications I have received from all parts of the colony.

Assuming, therefore, the location of the natives in different parts of the district in numbers of from 8,000 to 12,000 as directed in his Honour's instructions to the "Commissioners for locating the Natives," I would briefly urge upon the consideration of the Lieut.-Governor the absolute necessity of immediate supervision, by a European functionary being placed upon each location. I need not point out, that upon the fitness of such officers will greatly depend the success or otherwise of the benevolent views with which these people are contemplated by his Honour's Government, of rendering them faithful subjects and useful members of society, and that in their selection much discrimination and circumspection must be observed.

I also strongly incline to the opinion, that it would be highly inexpedient and detrimental functions to unite that of the magistrate to the missionary, except as a merely temporary measure; the natives, in their ignorance, are unable to disunite the one from the other, although a magistrate may be for all purposes of advice and instruction a

missionary amongst them, and it is desirable he should be, I should deprecate the missionary being made a magistrate so as permanently to unite the two.

The jurisdiction of such magistrate or superintendent, might extend his location to all such cases as are included in our law under the title of "Civil Cases," subject to appeal to any higher authority his Honour might please to nominate; he might also be assisted as a sort of jury by the chiefs and councillors within the settlement.

With such an arrangement the maxims of European jurisprudence, might be gradually introduced amongst them in disputes respecting property questions, while the more serious criminal offences might at once be referred to and tried by the several criminal courts already, or about to be established in the colony. These magistrates or superintendents would be the protectors of the rights of the natives, as well as possess the authority necessary to enforce orderly and good behaviour. They might register correctly the population within their respective jurisdictions, so as to be aware of and account for all removals of natives from one location to another; they might be vested with authority to contract such natives as might be desirous of entering the service of the colonists, and encourage such advantageous intercourse. They should foster and encourage every introduction, whether of agriculture or otherwise, which might tend to introduce industrious habits and corresponding profits to the natives; and more particularly such as might form articles of export from the colony, such as cotton, indigo, and whatever else is found suitable to the climate, so as that, while benefitting themselves materially, they benefit the country at large.

Although probably unnecessary, from the enlarged views his Honour the Lieut.-Governor holds on these subjects, I feel impelled, before quitting this part of it, to represent the noble opportunity which is afforded by the present circumstances of these people and their relative position with his government, to proceed at once with the worthy project of christianizing and civilizing 100,000 degraded human beings to whom the blessings of British rule have so suddenly been accorded in the establishment of his Honor's administration; these people wearied by turmoil and war, enthusiastically hail the prospect of permanent peace, and are at this moment ripe for the introduction of any plan of benevolence and improvement, that may be devised for their adoption; every day delayed is so much ground lost, and, I fear, two years would destroy the advantages of the opportunity.

I sincerely trust the British Government will not allow the opportunity to enter upon such a grand experiment to be lost or neutralized, by considerations of a merely pecuniary nature.

The whole of the native population has been born and brought up with the notions of the most implicit obedience to their rulers; unlike the Kafirs on the frontier of the eastern districts of the old colony, they pretend to no individual opinion of their own, and are guided in every respect by the will of their legally-constituted superiors; and it is this feeling I so anxiously recommend the Government to take advantage of, before it gives way (as I already see indications of its doing) to more dangerous views, from continued relaxation from control.

It is highly desirable that one or more missionaries, devoted solely to their work should be placed at each location, and that both Sunday and week-day schools should be established, so as, by the instruction of the rising generation, to destroy the belief in those degrading superstitions by which the minds of their parents are fettered, and to, substitute in their stead sounder notions of their religious and moral obligations; and that as the native population becomes gradually to understand the privilege and liberties which our Government accords and secures to it; it may also be so sufficiently instructed as to make use of them in such a manner, as in the bestowment of them it was contemplated they should.

It is essential that the instruction of the natives should in this respect especially keep pace with their experience.

With regard to the distribution and tenure of the lands to be allotted to them, I do not see any advantage rising from giving them individual titles to all or any portion of them. I am of opinion that it would better answer the ends of their own good government, that each of their locations should remain Crown lands appropriated solely to their use.

To my mind, the faith of the government stands as deeply pledged to the natives in such solemn appropriation of lands for their use as in the granting of a title-deed, while in the former the facility of the natives removing from one location to another under wholesome regulations, and to suit the peculiar circumstances of each individual would be greatly promoted.



As in a former page of this communication I expressed a hope that no merely pecuniary consideration would prevent the British Government from taking advantage of such a favourable opportunity to raise in the scale of humanity such a mass of degraded fellow-creatures as are now its subjects in this colony, so I feel confident that if an adequate expense were incurred in settling and governing these people for the first six years, at the termination of that period the revenue that might be derived from them, without even the semblance of oppressive exactment, would be sufficient to pay the expenses of their own government at the lowest computation.

I need not in this communication enter into a detailed consideration of the manner of their taxation but I feel it necessary to mention that the principle is by no means new to any of them, and neither would it be an unpopular one when established upon just and equitable grounds. They are accustomed to contribute to the means of their chiefs, and that too sometimes very largely and unreasonably as might be expected in government where the will of the ruler only is the law of the land, although in direct contravention of custom and precedent, and of the oral law as transmitted from generation to generation.

Under such a scheme as that I have but imperfectly described, I feel confident his Honour the Lieutenant-Governor will enjoy the satisfaction of ruling over peaceable, orderly, and faithful subjects in the black population of the district of Natal. On the other hand, as a servant of the Government, I should be wanting in my duty towards it were I to close such a communication as this, and omit to state that without some organized plan of government, by European superintendence being adopted, and that speedily, I foresee in the very excellencies I have described as at this moment favourable to its adoption, the element of future confusion and strife, the fatal consequences of which it is now impossible fully to estimate.

I have, &c.  
(Signed) J. SHEPSTONE,  
Diplomatic Agent.

The Hon. the Secretary to Government,  
Natal.

350.—Do you not consider the continuance of too great power in them to be fraught with danger to the white inhabitants?—This appears to me self-evident, but I think I have shown that they possess in fact very little power.

351.—These people being generally considered as devoid of truthfulness or gratitude, and said by you to be the most treacherous and bloodthirsty race in South Africa. Would it not be dangerous to repose any trust or confidence in them, or establish them in any position where they would have the power to do harm?—I do not recollect having used so strong an expression, neither can I recognise the words you put forth as a quotation. I do however think that it would be dangerous to repose much trust or confidence in them, where there existed very little more than such bare trust or confidence to induce them to fulfil our expectations; and for us to establish them in a position where the power to do harm would necessarily arise from such position would be mere folly. Our circumstances, however, are such that we must judge by comparison.

352.—In all dealings with them whether as a government or a people, do you advise that these characteristics of the Kafirs should be constantly borne in mind, and our conduct towards them regulated accordingly?—I think that all our dealings should be regulated according to the peculiar characteristics of those people with

whom we have to do. A government should, I think, be particularly careful on this point.

353.—In your expedition against the chief Fodo I believe you were accompanied and assisted by a native tribe, as also in another taken to Klip River with the view of enforcing your authority, do you anticipate similar assistance in any future emergency?—I was assisted by several tribes on both occasions. I anticipate a growing disinclination to this until it becomes evident that the orders of government can be enforced without their assistance; but I should not even now hesitate on this ground to undertake similar duties.

354.—Are you aware that meetings have been held at any time attended by delegates from the various tribes, in order to discuss the propriety of resisting any particular order of your own or the Local government. If so, when, and what was the nature and result of their decision?—Yes, in the early part of 1850 such meetings were held very nearly all over the district, to discuss the practicability of evading the order to proceed to the frontier of the Cape colony, in aid of Her Majesty's government. The conclusion which they appeared generally to arrive at was that the government was not in a position to enforce its order without their assistance, and that if they were true to each other they would be safe in passively resisting.

355.—Do you apprehend that any subsequent order unpalatable to the Kafirs would lead to a similar combination?—Yes, if they perceived that all would be affected by it immediately or remotely.

356.—Are you aware that at the time alluded to a determination was come to that one tribe should not take up arms against another tribe to assist in enforcing the order, that they seriously meditated an attack on the white people, and were only induced to exhibit a passive resistance from the fact of being ill supplied with the necessary weapons of warfare?—In my last answer but one I alluded to this understanding. I do not, however, think that they ever seriously meditated an attack upon the white inhabitants. This was the first instance of anything like general combination among them, and I think they would scarcely trust each other sufficiently to venture on such a proposition.

357.—And are you aware of the motives that influenced them to this conduct?—The motive was to avoid proceeding on the expedition to the frontier. At that time they had also become exceedingly distrustful of the government, in consequence of the various absurd reports which had become current among them as to its object in ordering the magistrates (then but newly appointed) to frame returns of the population, number of cattle possessed by its individuals, and the quantity of land under cultivation. The excitement consequent on this was only subsiding when the order for marching to the frontier was issued.

358.—Have there not been frequent instances where your own authority and that of the government have been set at defiance by certain tribes, and allowed to do so with impunity, no steps having been taken to punish them for their contumacy?—I am not aware of any instances of this kind, except such as were connected more or less with the circumstances alluded to in the preceding questions.

359.—Is there the same extent of jealousy existing now as formerly among the Kafir tribes within the district?—Certainly not. Tribal amalgamation from peaceful circumstances was unknown until the advent of civilized government over them. Since then it has been progressing and is becoming general, by means of inter-marriages and other intercourse, which up to that time existed only in a very exceptional form. The effect of this was apparent on the occasion above alluded to, and enabled them to go so far as to consult each other as to the prudence of disobeying. This confidence was, however, of so recent date, that it was found too weak to overcome the effects of ancient feuds; and the result, as experienced by Mr. Fynn, was that on finding themselves arrayed for war, standing in each other's presence, they became subject to ancient, and until then latent impulses, and very serious collision was imminent; so much so that he felt himself compelled to disband them on the spot.

360.—What would be the effect of the introduction of convicts, in your opinion, on the Kafirs. If any escaped would they be likely to be admitted into any of the tribes, protected, and gain influence over them as leaders?—It would be decidedly bad. I do not, however think that an escaped convict would attain to the leadership of any tribe within the district. He might collect a few adventurous spirits around him and become troublesome as a bush-ranger. Beyond the district the case would probably be different, and a more extended and dangerous influence might be acquired.

361.—If the plan proposed by Local Commission for governing the natives within the district were brought into operation, would not the whole of the country be brought under such strict surveillance as to ensure the immediate apprehension of a convict, if one should escape?—In that case no convict could escape through a location, but he might easily avoid one, and most probably always would do so.

362.—Providing that the Home Government would advance the necessary funds to carry out that plan, on condition that colonists should agree to admit the convicts into the district, would you consider it your duty in furthering the interests of the Kafirs and the country to accede to such a proposition?—No.

363.—In your despatch of 26th April, 1846, you recommend the introduction of missionaries into the locations; was it your intention to admit members of one church only, or grant the same

privilege to all denominations?—My remark had no exclusive reference to any particular church.

364.—What do you consider would be the effect of allowing access to every variety of sects and persuasions inculcating different principles in each location?—I think the greatest confusion would follow, and no good be effected.

365.—Are you of opinion that industrial and other schools established among the Kafirs should be left to the guidance and controul of the missionaries solely, or under a local board appointed by the government irrespective of creed or preference to any denomination?—I think imparting mere secular knowledge without corresponding moral and religious training, is increasing the power to do evil without implanting motives to do right. I would not, therefore, separate the one from the other. To be beneficial and practically useful they must go together. The government might, perhaps, exercise some general controul over such establishments; but in the project of christianizing it can only aid by affording its support and countenance.

366.—Would you recommend the Kafirs being settled in locations exclusively by themselves, or admit Europeans to reside amongst them; and which, in your opinion, would be most likely to hasten the process of civilization?—The process of civilization might be hastened by civilized residents being intermingled with them, but I think the more immediate result would be quarrels and serious collision.

367.—Would you introduce christianity as preparatory to civilization, or habits of civilization and an increased intercourse with Europeans as a means of christianizing?—As I have said before, I think they should go hand in hand. You cannot christianize without, to some extent at least, civilizing also, while to achieve the latter only is dangerous.

368.—Have the missionaries been very successful in evangelizing the Kafirs within the district, or have they failed in all their efforts to make any imperceptible change in the habits and character of the people; if the former, name the locality, tribes, and particular missions that have made the greatest progress?—I should not say that the missionaries have been very successful, nor, on the other hand that they have failed in all their efforts. I have witnessed instances of a very perceptible change in the habits and characters of individuals, the result of missionary labors in this district, and residing on missionary institutions. But as there are many mission stations in the district which I have not visited, I feel that by drawing distinctions or mentioning names, I might subject myself to the charge of making invidious comparisons or even injustice.

369.—Have the Kafirs any religious creed, or any notion of a ~~supreme power~~; and does this exercise any moral influence over ~~ry~~ have no religious creed. To my mind they have a

a very vague and indistinct notion of a great original, to which they apply the words "Umkulunkulu" (the Great Great), and "Umvelangangi" (the first appearer or exister). They believe in the influence of spirits upon the material world, and this belief exercises a very considerable influence on their conduct.

370.—What are the capacity, intelligence and moral feelings of the Kafir as compared with Europeans; and are they such as to afford promising hopes, both of his own civilization and of his future usefulness as a member of British colonial society?—I do not think them wanting in capacity or intelligence. In moral feelings they are necessarily so, as compared with civilized and educated Europeans. I see no absolute bar to their civilization or to their usefulness, in any position in which their intelligence and capacity may hereafter place them.

371.—Do they exhibit signs of curiosity, ambition, powers of observation and imitation?—Yes.

372.—Are they intelligent in the mode of cultivating the land and rearing cattle, and acquainted with the nature of their diseases and cure?—As compared with the frontier Kafirs at present at war with the Cape colony, they exhibit much greater intelligence in the cultivation of the soil; but in the management of cattle I think they are inferior, although in this respect they are considered very expert by the colonists of this district.

373.—Is their physical strength such as would be likely to bear much fatigue in manual labor?—I think this depends very much upon whether they have been to hard labor from their youth, which would develop their strength. I have heard it remarked by farmers that such as have been so circumstanced are capable of a great amount of endurance as regards manual labour.

374.—Are bad crops common, and are any precautions adopted to meet such a catastrophe?—Universal failure of crops very seldom occurs; partial ones almost every year. The precaution of preserving a stock from the preceeding year is generally adopted.

375.—Has famine in any case to your knowledge assailed the people?—Not absolute famine, but about two years ago great distress was felt from the scarcity of food.

376.—Does the want of cleanliness or the prevalence of epidemic or endemic diseases tend to thin the population at any particular period of the year or at greater intervals?—Not that I am aware of. Last year many were attacked and died of the fever, which appeared to affect almost the whole of south Africa; but the mortality in this district was trifling compared with that beyond its border in the Zulu country.

377.—Have you ascertained any local differences affecting the Kafirs in this respect, and traced their causes?—I am not sufficiently acquainted with the cause which renders a large portion of the Zulu country so much more liable to fatal disease than this district to give an opinion.

272.—Did you in a moment or give an approximate statement of the number of individuals amongst them, and the approximate number of houses that the majority of any given spot?—No.

273.—Have you observed any general mortality among the natives that occasioned in the year?—No.

274.—What is your estimate as to the general mortality of the natives?—I have not been able to form any definite opinion on the subject. The mortality from the various infectious diseases, including bilious and cholera, have not as yet been unusual.

275.—Can you form an estimate as to the number of Kafirs in the country beyond the boundary lines?—I have estimated them at 15,000.

276.—Have you any statistics showing the proportionate number of individuals of different ages?—Only as regards two locations:—  
1st. The locations for which I refer to Mr. Pappenberg's evidence, and that of the Government, which I signify as compiled by Mr. G. K. Thomson—

	Men.	Women.	W. men.	Boys.	Girls.
Maroon	424	308	946	975	893
Natalia	302	36	330	463	370
Palmerville	114	33	151	301	117
Cape	81	35	117	75	55
	921	352	1522	1750	1435

277.—Was there not a general registration, as urgently recommended by Earl Grey (in his despatch of Nov. 1849), been made of all the Kafirs within the district?—On the appointment of the four resident magistrates they were instructed to frame such returns, but on account of the marked opposition of the natives to some of them, they were instructed to discontinue them for the present.

278.—Has any encouragement been given to the natives to clothe themselves when resorting to the villages or markets, or when appearing before any Government officer, or a fine been imposed on those who appear without such clothing in any town or village inhabited by Europeans as suggested in the 31st paragraph of the same despatch?—No such regulation has been instituted, because the enforcing of such regulations as those proposed by Earl Grey required the institution of some uniform system of management which has never taken place.

279.—Do you see any of native villages; if so, on what grounds?—I approve of native villages being established in the vicinity of towns on some such plan as that recommended by the Commissioners for Locating the Natives in 1847.

280.—Has any attempt been made to establish villages at the different Mission stations as recommended by Dr. Adams, and approved by Earl Grey; if so with what success?—No attempt has been made by the Government; some of the missionaries have, and as far as I am able to judge with success.

387.—A recommendation was made by the Local Government to encourage the establishment of missions within each native location, by an allowance to each missionary of £50 annually—this met the approval of the Secretary of State for the Colonies; was it subsequently carried out;—to what extent, and in favour of what particular mission; what has been the amount of expenditure under this head; and your views as to the utility of such grants?—I am not in possession of any evidence on this subject other than that published in the Blue Book, and on which I presume this question is founded. My opinion on this point is expressed in my letter of the 9th December, 1851.

388.—Do the Kafirs now, or have they ever looked upon the British Government as a paternal one; if not, have they any just grounds for such an opinion?—All their own governments are more or less of this character, and they naturally expected to recognize the attribute in this Government. I consider the appropriation of locations to their use, to be an instance in which it was shewn, but the subsequent uncertainty which became manifest as regards these appropriations, has caused distrust on this head.

389.—Do they show any confidence in those who have proved themselves to be their friends, or are they naturally mistrustful?—They show the utmost confidence in such persons.

390.—You have hitherto, or until very recently, governed the Kafirs by your individual influence alone, is that influence less now than formerly, or less able to cope with the difficulties of your position; if so, to what do you ascribe the cause; and from what particular period do you date the change?—I had the sole management of them for several years. I do not think that my personal influence over them is much diminished, but that of my position has been very materially affected by various circumstances during the last two years or upwards, some of which I have entered into more fully in my letter to the Government of the 7th April, 1851.

391.—Have you been efficiently supported by the Local Government?—I must decline giving any answer to this question to this Commission.

392.—I perceive that in your letter of 7th April, 1851, you represented to the Local Government the increased difficulties of your position, and the danger to be apprehended by a continuance of the system then in operation: Have you the official reply to that despatch?—I received no reply to it.

393.—Were the suggestions contained in your letter of the 9th December 1851 entertained, and any part of them acted upon?—I do not know how far they were entertained, none were ever acted upon.

394.—Have the Kafirs a recognized system of law or government, and have they any tradition shewing how such a code of laws has been handed down to them?—They have a recognized system of law or government; oral tradition from father to son is the obvious means by which it has been handed down to them.

395.—Are these laws, or any part of them, in your opinion more applicable and better adapted to the Kafirs in their present state ; by being more conformable to their manners and morals and state of civilization, than those framed by a civilized people ; if the latter, mark the distinction ?—In my opinion they are most certainly better adapted for them in their present state than laws applicable to a civilized people, they exercise a far greater and more extensive personal restraint than is necessary for men under more advanced circumstances.

396.—What are the principles that seem to have guided the framers of these laws ?—They scarcely appear to have been framed in the sense attached to that term, but to have grown out of circumstances and rendered binding by usage and custom ; their principles are generally just as regards individuals, and great care is taken to secure the aggrandisement of the chiefs.

397.—Are the penal laws themselves cruel and rigorously enforced, or is the law and the practice characterized by a spirit of humanity ?—Their penal laws are included under the general term of "witchcraft," these are extreme and cruelly severe in their punishments, and in independent tribes they are carried out with great rigour. According to my view the term translated by us as "witchcraft" includes every criminal misdemeanour.

398.—Do all the various tribes within the district recognize one established law, or is a particular law in force only in one particular tribe ?—The leading features are recognized by all—minor differences are however met with in almost every tribe.

399.—Are the Kafirs particularly fond of litigation, and after what manner do they generally conduct their cases ?—Yes ; their cases are generally tried before the chief, and counsellors acting as jurors.

400.—Cannot ail crimes, however black their character, with the solitary exception of witchcraft be compounded for by payment in money or kind ?—As I have before said every crime is included in the general term "witchcraft," which appears to me to constitute their penal code. It is, however, nevertheless true that many serious crimes can be and are compounded for by payment.

401.—Has not the crime of murder committed by Kafirs been compounded for by you as Diplomatic Agent ; what were the inducements to this line of policy ; was it done by the direction of Government or otherwise ; how many instances of this nature have occurred ; what was the fine imposed in each individual case, and how disposed of ?—I have never in any capacity compounded for the crime of murder. Instances have occurred in which murders have been committed, and where, from the absence of any evidence beyond the bare fact of the murder having been perpetrated, no trial according to our law has taken place, and the only resource has been to fall back upon theirs, which makes the whole tribe responsible until it rids itself of such responsibility by furnishing the evidence and producing the murderer. Other cases have occurred



in which the Crown Prosecutor (in whom alone resides the option of trying them) has declined to prosecute for want of sufficient evidence, but wherever practicable the criminals have been tried and some have been executed. The fines on such occasions have been used for Government purposes.

402.—Is it not a fact that the wealthiest Kafirs are invariably selected and pointed out as the 'Tagati' or witch, when persons are sick or die, and that in all cases sickness, disease, and death are ascribed to witchcraft, never to natural causes?—As regards the Kafirs on the frontier of the Cape Colony, I should answer the first part of this question as a general proposition in the affirmative, but as regards the natives in this district, I have not found it so. I append an extract from a message sent me by a chief who keeps up more state and rules over a more organized tribe than any other in the district, namely, Pakadi, as also one from Dibinyika, and I think they express the feelings of most of them on this point; they are as follows:—

Statement of Umfulatela, a messenger of the chief Pakadi, relative to the witchcraft case of Makandile—

"Pakadi wishes the Government to ponder well the circumstances of "Abatakati." He wishes it to be borne in mind that a chief prizes his men most, that his greatness depends upon the number of them, that consequently they cherish and are always ready to increase them. That the Government loves its subjects and chiefs love their men, that the chiefs never wish to kill, eat up, or drive away any of them unless they are fully satisfied of their guilt, and that they are dangerous to the community. Pakadi is well assured of the guilt of Makandile of the death of his (Pakadi's) sister, and but for the respect he has for the Government he would have him put to death; this respect was so great that he saw it although his eyes were dark. The Government does not believe in the efficacy of witchcraft to kill people, the Abatakati rejoice at this, because they see they can perpetrate their designs without molestation, and under its protection. And Makandile at this moment regrets that he did not destroy him (Pakadi), as well as his sister; the Government must not think we eat up Abatakati because we want their cattle, it is not so; we would gladly surrender the cattle into the hands of the Government provided it would forfeit them, and not give them back to the claimants. And although we prize men, we think for one life another should be given. Let the Government well consider this and not protect murderers at the expense of the lives of innocent people and chiefs. I may not refuse to obey any order of the Government, but I trust the circumstances will be well considered."

Message from Dibinyika relative to the witchcraft case of Mahlanga and Mapoya.

"Dibinyika believes that the culprits have caused by witchcraft and poison the death of several of his family and tribe; he respected his Government, he did not kill them, he stated his case, he was told it would be referred to the Lieut. Governor, and he has rested in expectation the culprits have left his tribe; they have their wives and their daughters, they will get cattle and their sons will work for them and procure them many—mine are dead."

As regards the last part of the question I must answer in the negative.

403.—Have your decisions been generally submitted to by the chiefs,

and so far as you know acquiesced in by the people ; and has no resistance been offered to them even when involving penal consequences ?—Yes, I believe universally, I am not aware of any resistance having been offered to any of them.

404.—have you had frequent occasion to punish refractory Kafirs by fine and forfeiture, and in what have those fines consisted ?—Occasions to do so have not been frequent, but when necessary the fines have been in cattle.

405.—Will you furnish the Commission with a list of the fines imposed by you within any given period during your agency, say the last two years, specifying the crimes for which such fines were inflicted ?—During the last two years I have had very little to do with the management of the natives. Petty cases have been brought before me, in some of which petty fines have been inflicted, but none for any political misdemeanour. A list of these I can furnish by the next sitting of the Commission if required, but having been absent on public duty for the last four weeks, I am unable to append it to this answer in time to be printed with it. This question was left unanswered at the moment because it required the labor of compiling a tabular statement from the books. The duty above alluded to intervened and prevented any further attention being paid to it until this day, March 19, 1853.

406.—Will you state in what manner fines and forfeitures have been disposed of, whether paid into the treasury or given as rewards to other Kafirs ; in either case to what extent ?—The disposal of fines and forfeitures for offences against the government, is very much affected by the number of people employed to exact them ; for example, when several chiefs were required to assist with their force to expel some tribes from the Klip River and place them under the Drakensberg, a quantity of cattle were seized in punishment of their disobedience ; out of these the various chiefs who assisted in this duty were rewarded, and the remainder placed at the disposal of government. In other cases but three or four men have been employed, who have also been rewarded for their services from the fine imposed, and the remainder disposed of for government purposes, as it might direct. Fines have, however, been comparatively very few. The greatest number of messengers have been employed, and by far the largest amount of cattle have been adjudicated in the settlement of disputes among themselves. To carry out a decision it is almost invariably necessary to employ a special messenger, and he receives payment for his services from the party he benefits. It would require a large expenditure to keep up an establishment of messengers sufficient for this purpose, and unless each case is made to pay its own expenses, a great difficulty would arise in carrying out any decision.

407.—Will you read to the Commission the Royal Instructions, of 8th March, 1848, and the local Ordinance of 23rd June, 1849, specially referring to this matter, and state whether they have been systematically adhered to by you and the Kafir magistrates ?—I sub-

mit the Ordinance which embodies the Royal Instructions, and as far as I know I believe they have been adhered to.

[No. 3.—1849.]

(Signed)

M . WEST.

#### ORDINANCE.

Enacted by the Lieutenant Governor of the District of Natal, with the advice and consent of the Legislative Council thereof.

*For repealing so much of the Ordinance, No. 12, 1845, as is inconsistent with a Proclamation issued by the Lieutenant Governor of the District of Natal, on the 21st day of June, 1849, and with the provisions of this Ordinance; and for providing for the better Administration of Justice among the Natives.*

**W**HEREAS on the 21st day of June, 1849, the Lieutenant Governor issued the following Proclamation, to wit:—

#### PROCLAMATION

*By His Honor MARTIN WEST, Esquire, Lieut. Governor, administering the Government of the District of Natal.*

**W**HEREAS Her Most Gracious Majesty the Queen was pleased by Instructions addressed to the Officer for the time being, administering the Government of the District of Natal, dated at Buckingham Palace, on the Eighth day of March, Eighteen Hundred and Forty-eight, under the Royal Sign Manual and Signet, and with the advice of the Privy Council, amongst other things to direct:—

“Twenty Eighth.—And whereas the said District of Natal is inhabited by numerous Tribes Natives of the said District, or of the Countries thereunto adjacent, whose ignorance and habits unfit them for the duties of civilized life, and it is necessary to place them under special control, until, having been duly capacitated to understand such duties, they may reasonably be required to render ready obedience to the Laws in force in the said District. We do hereby declare it to be Our Will and Pleasure, that you make known by Proclamation to Our loving Subjects, and all other persons residing in the said District, that in assuming the Sovereignty thereof, We have not interfered with, or abrogated, any Law, Custom, or Usage prevailing among the Inhabitants previously to the assertion of Sovereignty over the said District, except so far as the same may be repugnant to the general principles of humanity recognized throughout the whole civilized world, and that we have not interfered with, or abrogated the power which the Laws, Customs, and Usages of the Inhabitants vested in the said Chiefs, or in any other persons in authority among them, but that in all transactions between themselves; and in all crimes committed by any of them, against the Persons or Property of any of them, the said Natives are (subject to the conditions already stated) to administer justice towards each other as they had been used to do in former times. provided, nevertheless, and we do hereby reserve to ourselves full power and authority as we from time to time shall see occasion, to amend the Laws of the said Natives, and to provide for the better administration of Justice among them, as may be found practicable.”

NOW, THEREFORE, I, the Lieutenant Governor, administering the Government of the district of Natal, do hereby so Proclaim Her Majesty's Royal Will and Pleasure accordingly.

#### GOD SAVE THE QUEEN!

Given under my Hand and the Public Seal of the District, at Pietermaritzburg, this 21st day of June, 1849.

(Signed)

M. WEST.

By Command of His Honor the Lieutenant Governor,

(Signed)

D. MOODIE,

Secretary to Government.

And Whereas, in order to give effect to Her Majesty's said Instructions, it is necessary that the Ordinance No. 12, 1845, entitled, “Ordinance for establish-

ing the Roman Dutch Law in 'and for the District of Natal,' and all other Laws and Ordinances, in so far as the same are at variance with, or repugnant to, Her Majesty's said Instruction, should be repealed;

And whereas justice has been hitherto administered among the said Natives, with advantage to themselves, and to the public peace and tranquility of the district, by the chiefs and others in authority among them, under the special control, direction, and revision however of an Officer hitherto denominated the Diplomatic Agent, acting under the authority and instructions of the Lieutenant Governor, whom the several Native Chiefs and Tribes have hitherto regarded as their Supreme Chief, and to whom they have voluntarily yielded the same respect and obedience which they have been accustomed to yield to Supreme Chiefs of their own race; and it is expedient in pursuance of the power reserved by Her Majesty to amend the Native Laws, and provide for the better administration of Justice among them, that this salutary control should be continued;

1. Be it therefore enacted, that from and after the date of the promulgation of this Ordinance, the said Ordinance No. 12, 1845, and all other Laws and Ordinances, in so far only as the same are at variance with, or repugnant to, Her Majesty's said Instruction, and to any of the provisions of this Ordinance, shall be, and the same are hereby repealed accordingly.

2. And be it enacted, that it shall and may be lawful for the Lieutenant Governor to appoint any fit and proper person or persons, with authority to control, revise, and direct the administration of Justice according to the Native Law throughout this District, or in such parts of the same as to him may seem fit: Provided, however, that all such fines and forfeitures, as, according to the Native Law or Usage, would accrue to the Supreme Chief, or to such person or persons as aforesaid, shall be paid into the Treasury of the District.

3. And be it enacted, that there shall be an appeal to the Lieutenant Governor, acting with the advice of the Executive Council of this District, for the time being, in all cases whatsoever between Natives, and which have been tried according to Native Law, and that the decision of the said Lieutenant Governor, so acting as aforesaid, shall be final.

4. And be it enacted, that the Lieutenant Governor of this District, shall hold and enjoy over all the Chiefs and Natives in this District, all the power and authority which, according to the Laws, Customs, and Usages of the Natives, are held and enjoyed by any Supreme or paramount Native Chief, with full power to appoint and remove the subordinate Chiefs, or other authorities among them.

5. And be it enacted, that all Crimes heretofore committed, or which may hereafter be committed, by any of the said Natives against the Persons or Property of any of them, as well as all transactions between themselves, shall be cognizable according to the Native Law, under the provisions of this Ordinance, and not otherwise; and that all acts, matters, and things, and all decisions, or judgments heretofore done or performed, or pronounced, or executed by any of the said Chiefs, or other persons in authority among them, or by any Officer acting under the authority of the British Government, in pursuance of Native Law, Usage, or Custom, shall be, and the same are hereby ratified and confirmed; subject only to the revision and final decision of the Lieutenant Governor, so acting in Appeal as aforesaid.

6. And be it enacted, that all Officers, Chiefs, and Persons as aforesaid, who shall so have acted as aforesaid, prior to the passing of this Ordinance, shall be, and they are hereby jointly and severally indemnified, freed and discharged from, and against all actions, suits, prosecutions, and penalties whatsoever, under the Colonial or Roman Dutch Law, for or on account, or in respect of all or any acts, matters, and things whatsoever done, ordered, directed, or authorized by them so acting in pursuance of Native Law, Custom, or Usage.

7. And be it enacted, that all Crimes which may be deemed repugnant to the general principles of humanity recognized throughout the whole Civilized World, which have heretofore been, or may hereafter be committed by any of the said Natives against the Persons or Property of any of them, shall be only subject to

prosecution in the Colonial Courts at the instance of the Crown Prosecutor, and not otherwise.

8. And be it enacted, that this Ordinance shall take effect from and after the date of the promulgation thereof.

GOD SAVE THE QUEEN!

Given at Pietermaritzburg, in the District of Natal, this 23rd day of June, 1849.

By Command of the Lieutenant Governor,  
(Signed) D. MOODIE,  
Secretary to Government.  
By Order of the Legislative Council,  
W. J. DUNBAR MOODIE,  
Acting Clerk to the Legislative Council.

408.—Were not resident agents or magistrates to each location recommended by the Commission for locating natives, of which you were a member, and were not you consulted in the selection of suitable officers by the government?—Such officers were recommended by the Commission. In answer to the latter part of your question, I beg to refer you to a despatch from Lieutenant Governor Pine to the Secretary of State, published in Blue Book for 1851, page 57, dated October 7th, 1850.

Government House, Natal, October 7, 1850.

Sir,—I have the honor to inform your Excellency that, subject to the approval of yourself and the Right Hon. the Secretary of State, I have appointed the following gentlemen to be magistrates of Kafir locations, with a salary of £200 per annum each, £30 per annum house-rent, and 1s. 6d. per diem forage allowance in lieu of travelling expenses.

Mr. Mesham, to be magistrate of the Inanda location; Mr. George Ringler Thomson to be magistrate of the Umsinyati location; Mr. G. R. Peppercorn, to be magistrate of the Inxapana location; and Mr. James Cleghorn, to be magistrate of the Umvoti location.

2. The first of these gentlemen was strongly recommended for the appointment by the Lord Bishop of Cape Town, when I had the pleasure of seeing him in this district, and Mr. Mesham's character justifies his lordship's recommendation. Mr. G. Ringler Thomson was the bearer of a letter of introduction from Earl Grey and Mr. Chapman, of the Colonial Office, in Downing Street; independently, however, of such recommendation, his abilities, attainments, and character, and the remarkable facility with which he has in a short space of time acquired a very considerable knowledge of the Kafir language, would have pointed him out for such an office. Mr. Peppercorn also brought a letter of introduction of Earl Grey. He has since been temporarily employed in the service of this government with credit to himself. Mr. Cleghorn has been for some time employed in the office of Mr. Shepstone, the diplomatic agent, by whom he has been recommended to me for his present appointment.

3. The importance of these appointments is, however, so great, and the duties connected with them are of so peculiar a character, that any opinion as to the fitness for them of men untried in the management of uncivilised people, however great their talents may be in other respects, is extremely liable to error. The efficient discharge of such duties requires tact, great command of temper, and other qualities, the absence of which would not necessarily disqualify persons from holding other offices in the public service, but would be fatal to the usefulness of officers having to control the unbridled passions of savages. These considerations have led me to make the above-mentioned appointments for the period of one year only, leaving it open to the Lieutenant Governor to confirm or remove any of the persons holding them, as he may at his discretion deem it proper. I have been the more induced to adopt this course, because a man may be unfit for an office of this character, without his superiors being able to point to any specific fault which, in accordance with the general usage of the public service, would render his removal justifiable. I need not assure your Excellency that I shall exercise this discretion with the greatest care, and with the assistance of the best advice I can obtain, more

especially that of Mr. Shepstone, but I sincerely hope and believe that, with the consent of yourself and Earl Grey, it will be my pleasant duty to confirm all these appointments.

4. I have filled up these offices at once, before attempting to lay down and carry into execution any complete scheme for the general government of the natives in the district, because I am of opinion, in which Mr. Shepstone concurs, that more specific information in regard to the peculiar circumstances of the people of each location is required, before such a system could be well managed. The district is inhabited by such a variety of tribes, differing from each other in their mode of self-government, in the degree of their advancement towards civilization, and in other respects, that it may be found necessary not to adopt one uniform mode of government for all the locations, but to modify the system so as to suit the circumstances of any one or more of them.

5. With the view of gaining such knowledge, I have directed the magistrates already appointed to collect a variety of statistical and other information; when this is obtained, I hope, if not sooner, to lay before your Excellency and Earl Grey such a scheme for the government of the natives of the district, mainly based upon the admirable suggestions contained in Earl Grey's Despatch, No. 400, of the 30th of November, 1849, as shall appear most likely to conduce to the temporal and eternal welfare of the interesting people whom the Almighty has been pleased to commit to our care.

I have, &c.

(Signed)

BENJ. C. C. PINE,

Lieut.-Governor.

His Excellency the Governor-General, Cape Town.

409.—Do you not date the declension of your power and influence, and the great change that has taken place in the conduct and character of the Kafirs, from the date of such appointments?—I was always anxious for these appointments, and I do not date from them the effect you mention; several circumstances combined to complicate and render more difficult the management of the natives, as well as to affect my position over them. Shortly after these appointments were made, the effects of European emigration, the excitement consequent upon the attempt to compile the statistical returns required from the magistrates, the order to proceed on an expedition to the frontier of the Cape Colony, and subsequent events which it is not necessary to mention, all had this tendency.

410.—What is the nature and extent of authority vested in the hands of the Kafir magistrates; are they subordinate to you as Diplomatic Agent, or otherwise?—The magistrates being the only civilized representatives of government in their locations had necessarily extensive authority placed in their hands; all cases arising in their jurisdictions are decided by them, and all orders from the government are conveyed to their people through them; they corresponded with the government through me until August 1850.

411.—Was an abstract of the native laws drawn up by you and placed in their hands for their guidance, or on what principles, and by what instructions, were their duties regulated?—It was found exceedingly difficult to draw up any code of instructions which might be of general application; it was therefore necessary to leave much to the discretion of the officers themselves, until sufficient information could be obtained for the purpose, as explained in Lieutenant Governor Pine's despatch above quoted.

412.—What have been the results of these appointments; have they realized the anticipation of the Commissioners; if not, what, in

your opinion, has mainly contributed to their failure?—They have not realized the anticipations of the Commission, chiefly in my opinion because, 1st, Their appointment was too long delayed; 2nd, They were appointed without any assistants or staff; and 3rd, On account of the difficulties they had to contend with, incidental to the occurrences already alluded to, which took place soon after their appointment; and such as necessarily arise in consequence of the very limited knowledge they possessed of the people's language over whom they ruled; thus it will be seen that these functionaries in addition to being placed in a most critical position, were surrounded by very serious difficulties.

413.—Are the Kafirs superstitious and believers to any extent in supernatural agency; is this countenanced by their law, and does it govern partly through its influence?—Yes.

414.—Are they wedded to any particular customs or habits; and would it be advisable by any direct law to interfere with them?—Most certainly they are wedded to the habits and customs of their forefathers, and I should think any interference with them must, to prove successful, be of a very indirect and gradual character.

415.—Are you aware that on the establishing of the missions in this country no difficulty was found in obtaining hearers,—that their day as well as Sabbath schools were numerous attended, until a rumour was circulated among the people, that it was the intention of the missionaries to subvert all their established customs, and that all suddenly discontinued their attendance simultaneously at all the stations, and that subsequently every effort has been ineffectual to secure a return of confidence?—I am aware of this being the case, although not simultaneously, and think it a perfectly natural result.

416.—Would not the combination you speak of at the time of the Commando being agitated—and the unity of purpose and action in regard to the non-attendance at the mission schools go to prove that whenever any attempt is made to deprive the Kafirs of any particular privilege, or subvert any established custom, they will unite as one man to resist it?—I view the combination against proceeding on the Commando to be entirely distinct in its features from the general non-attendance on Sunday and other schools—the former proves that whenever any measure of the Government unites their sympathies against us they will combine for resistance in one way or another—the latter, I conceive, proves no more than that they partake in common with all fallen humanity of a natural aversion to that which is good.

417.—Are you aware of any natives attending industrial or other schools within the district, except the children of members of the mission, and those receiving payment for such attendance?—I am not, neither do I know of any except missionary schools being in existence.

418.—Do you think that industrial schools being established throughout the country, would be of any service unless a compulsory attendance be enforced?—I think some measure might be resorted to founded on their own ideas and customs, which would have the effect of inducing attendance at such schools, but without some inducement apart from the advantages

of education think the schools would be poorly attended; in civilized countries some authority is necessary to this end.

419.—Have you prepared the paper you promised to supply the Commission on the superstitions and customs of the Kafirs?—I shall submit my remarks on the four heads proposed in the instructions at the close of this examination.

420.—Have the Kafirs any tradition of their early history?—Very little, and that very indistinct, I think the state of warfare in which the last two generations have been so constantly engaged, have caused them to be lost.

421.—Are the whole of the tribes in South Africa from the same origin? I believe it is the opinion of men who have investigated this subject more than I have, that most of them have a common origin.

422.—Is the language of the Kafir residing within the district of Natal different from that generally spoken by the surrounding barbarous tribes; or is it a dialect merely of one common language?—The language spoken by all Kafir tribes between the Cape colony and Delagoa Bay under or on the coast side of the Drakensberg, is one with dialectic or local differences. I have also understood that the Bechuana language is so nearly allied to it as to be looked upon by some as a kindred dialect.

423.—As a people is the spirit of revenge and hatred of their enemies implacable and inexorable, and the law of retaliation their only rule for the reconciliation of differences?—The spirit of revenge with them, as with all savage nations, is very strong, but it can neither be implacable nor inexorable, for in many places in this district, the bitterest enemies of former times are living together as neighbours, cultivating the same fields, and mixing together in daily social intercourse.

424.—Are offences against persons and property on the increase among the natives; if so, to what cause do you attribute it?—I do not think that offences against persons and property among themselves are on the increase.

425.—Are the Kafirs distinguished for bravery or cowardice; are they proud or modest; hospitable or inimical to strangers; cruel or humane; confiding or distrusting; witty or obtuse?—Where disciplined as under the Zulu power they are distinguished for their contempt of danger; without this discipline I think them far below the frontier Kafirs in this respect. The extremes of pride and modesty are not very distinguished characteristics among them; hospitality to strangers I think is; they are reckless and cruel when excited, and as regards the other qualities mentioned, I should say they were possessed in like proportion as in other people.

426.—Are they naturally peaceable or warlike; patriotic or cosmopolite; industrious or idle; sober or debauched; frank or deceitful; liberal or parsimonious; honest or thievish?—They are exciteable and warlike; their patriotism develops itself more in their zeal for their chiefs than their country; they are generally idle; not so debauched as might be supposed; deceitful and grasping, but in many instances frank and liberal among themselves, and although I believe that any continued relaxation of control would make thieves of them, they are far from being generally so now.



427.—Do you apprehend that the present moral character of these people results more immediately from the influence of soil and climate?—I am unable to give an opinion as to what influence the soil and climate may exercise on a peoples' morals. I have long thought these people to have once been in a far more advanced state of civilization and morality than they are now, and that they have degenerated from that state; I found this opinion upon observing what I conceive to be traces of institutions among them which have fallen into disuse.

428.—Are the affections and passions of the Kafirs strong or otherwise?—I believe them to be so.

429.—Does the principle of honor actuate or influence them?—Yes, in their transactions with each other, I think it does.

430.—Have their songs and dances chiefly a tendency to war and predatory enterprize?—Yes, but they have appropriate songs for most of their occupations.

431.—Do you think that the habit of carrying with them on their journeys, weapons of warfare, and having their war dances, keeps alive an inclination for war and bloodshed?—War dances certainly keep alive such an inclination, but I do not think carrying about with them on their journeys weapons of defence can have much tendency in that direction.

432.—Has any attempt been made to put down such practises, if so, with what success has it been attended to?—War dances have been prohibited, except on permission being obtained from the seat of government, as I have already stated in a former answer, and I believe up to a recent period that prohibition has been observed.

433.—Are you aware to what extent refugees from tribes bordering on Natal are coming into this country?—I am unable to say what is the number of refugees coming into this district in any given time. I believe the influx to be very much over estimated, although a considerable accession to our population takes place annually from individual refugees who leave their all in Panda's hands for the sake of enjoying the liberty and safety to their persons which living under this government affords them.

434.—Are you aware that from 200 to 300 Amaswasias, a tribe lately conquered by Panda, have sought refuge with Langabulela, under the Quathlamba: has not a deputation waited upon you to ask permission to remain in this country; if so, have you granted such permission, or taken measures to expel them should they remain?—I am aware that some of this tribe have entered this district, but I know not how many. A deputation from its chief sought the permission of the government to remain, which the Lieutenant Governor refused, and the chief and tribe have respected the refusal and kept out; not to a number of individuals belonging to it, who have, nevertheless, entered the district in a destitute condition. To expel these would be next to an impossibility,

without disturbing the whole of the country. I believe Captain Staben has succeeded in placing many of them in the service of farmers for a given period.

435.—Have you any idea of numbers of Zulus arriving here from time to time, professedly for the purpose of obtaining employment from the Europeans, who are neither more nor less than spies or political agents from Panda?—It is quite impossible to form any idea as to this.

436.—In the event of Panda invading this country do you anticipate any large numbers of Kafirs residing within the district joining his army?—No.

437.—Have the Kafirs a general knowledge of the various plants, and their properties, or of natural history; and is each distinguished by a characteristic name, and to what purpose is this knowledge applied?—I do not think they have any extensive knowledge of this subject; one family or tribe knows and uses one particular plant, and another a different one for the same purpose; they are chiefly used for medicinal purposes in diseases of human beings or stock; a knowledge of vegetable poisons also exists amongst them, which they sometimes employ to destroy life; each has its particular name.

438.—Looking to the present and past experience of the Cape and Natal are you of opinion that even although England does put matters right in both places now, that there is much likelihood of their remaining so under the present form of government in these settlements, or would you expect more satisfactory results if the civilized inhabitants had a voice in the management of their own affairs?—I do not think the cases are quite parallel; as regards Natal, I believe that if the civilized inhabitants had a voice in the management of their own affairs, and those of the natives as well, a very decided result would be precipitated, judging from the opinions on this subject elicited since the sittings of this Commission. My views of representative institutions have already been stated in a former part of my evidence.

439.—Do you consider Natal is at present fitted for the introduction of representative institutions; if so, in what manner would you propose the Kafirs being represented?—I cannot consider a country with a population like that of Natal, fit for representative institutions, for the reasons, among others, which I have already stated in my answer to question 243.

T. SHEPSTONE.

---

PRINTED AT THE OFFICE OF THE "NATAL INDEPENDENT."

143

575X C 55 1





[REDACTED]

3 2044 036 969 020

